



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—Wednesday, November 13, 1985

The House met at 10 a.m.

Rabbi Haim Asa, Temple Beth Tikvah of northern Orange County, Fullerton, CA, offered the following prayer:

Our God, the Lord of all mankind:

It is our prayer that Your blessings of wisdom and courage come upon this assembly, upon our Government and our Nation.

The eyes of all of Your children are focused upon the forthcoming summit. Our respective religions teach that a summit is a place on top of a mountain. Your presence, O Lord, has often been revealed from the summit mountaintops.

Be with our President and his advisers at the summit, just as you were with Abraham our patriarch at Mount Moriah, with Moses at Mount Sinai, with Joshua at Mount Nebo, and with Jesus at the Calvary summit of Golgotha.

We pray that all who come to the summit would work toward shalom, for the survival of our planet, hopefully without sacrificing our freedom.

Bless this House and its Members, our President and his advisers with the blessing bestowed upon our Biblical ancestors:

"Be strong and of a good courage" and let me say amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COBEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 131, answered "present" 3, not voting 31, as follows:

(Roll No. 403)

YEAS—269

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Bellenston
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Boucher
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Broyhill
Bruce
Bryant
Burton (CA)
Bustamante
Byron
Carper
Carr
Chapman
Chappell
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Crockett
Daniel
Darden

Daschle
Davis
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Dwyer
Early
Eckart (OH)
Eckert (NY)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fish
Filippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gillman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes
Hefner
Henry

Hertel
Hillis
Holt
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Klecza
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lipinski
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
Mikulski
Miller (WA)
Mineta
Mollohan

Montgomery
Moody
Moore
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nielson
Nowak
Oaker
Oberstar
Obey
Olin
Ortiz
Owens
Packard
Pantetta
Parris
Pease
Pepper
Perkins
Petri
Pickle
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson

Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Scheuer
Schneider
Schulze
Schumer
Sharp
Shelby
Shumway
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snyder
Solarz
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton

Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wyllie
Yates
Yatron
Young (MO)

NAYS—131

Armey
Badham
Bartlett
Barton
Bereuter
Billrakis
Bliley
Boehert
Boulter
Brown (CO)
Burton (IN)
Callahan
Carney
Chandler
Clay
Clinger
Coats
Cobey
Coleman (MO)
Conte
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Durbin

Dyson
Edwards (OK)
Emerson
Evans (IA)
Fawell
Fiedler
Fields
Franklin
Gallo
Gekas
Gingrich
Goodling
Gregg
Grotberg
Gunderson
Hansen
Hiller
Hopkins
Ireland
Jacobs
Kasich
Kindness
Kolbe
Kramer
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston

Lloyd
Loeffler
Lungren
Mack
Madigan
Martin (IL)
Martin (NY)
McCain
McCandless
McCollum
McEwen
McGrath
McKernan
McMillan
Meyers
Michel
Miller (CA)
Miller (OH)
Molinar
Monson
Moorhead
Morrison (WA)
Oxley
Pashayan
Penny
Ridge
Roberts
Roemer
Rogers
Roth
Roukema
Rowland (CT)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

| | | |
|---------------|---------------|-------------|
| Saxton | Smith, Robert | Taylor |
| Schaefer | (NH) | Thomas (CA) |
| Schroeder | Smith, Robert | Vander Jagt |
| Schuettle | (OR) | Vucanovich |
| Sensenbrenner | Snowe | Walker |
| Shaw | Solomon | Weber |
| Shuster | Spence | Whitehurst |
| Sikorski | Stangeland | Whittaker |
| Siljander | Strang | Wolf |
| Skeen | Stump | Young (AK) |
| Slaughter | Sundquist | Young (FL) |
| Smith, Denny | Swindall | Zschau |
| (OR) | Tauke | |

ANSWERED "PRESENT"—3

| | | |
|---------|------|-------|
| Dymally | Long | Towns |
|---------|------|-------|

NOT VOTING—31

| | | |
|-------------|-------------|------------|
| Addabbo | Frenzel | Mica |
| Bentley | Gaydos | Mitchell |
| Bosco | Gibbons | Moakley |
| Campbell | Hartnett | Nelson |
| Chapple | Heftel | O'Brien |
| Cheney | Hendon | Porter |
| Coble | Hyde | Seiberling |
| de la Garza | Kemp | Spratt |
| Edgar | Lowery (CA) | Williams |
| Ford (MI) | Marlenee | |
| Fowler | McKinney | |

□ 1025

Mr. ANDERSON changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

RABBI HAIM ASA, GUEST CHAPLAIN

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, I have the very great honor today of representing Rabbi Haim Asa, of Fullerton, CA, who gave the invocation.

Rabbi Asa was born in Bulgaria and emigrated to Palestine in 1944, living there for 10 years. In 1954 he came to the United States to study agricultural economics at the University of Arizona. Soon thereafter, he decided to enter rabbinic studies and attended the Hebrew Union College Jewish Studies Institute.

Rabbi Asa served for 3 years as director of the World Union for Progressive Judaism for South America in Argentina. He is a past president of the Jewish Federal Council and a past president of the Fullerton Ministerial Association.

Rabbi Asa and his wife have four children. They have lived in Fullerton since 1963, where he serves at Temple Beth Tikvah.

My wife and I, with DENNY SMITH and his lovely wife, Kathleen, had the distinct pleasure of traveling to Israel earlier this year with Rabbi Asa, where he offered keen insight and observation on that historical land.

I am indeed very pleased to present Rabbi Haim Asa to the House today.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Oregon [Mr. DENNY SMITH].

Mr. DENNY SMITH. Mr. Speaker, I thank the gentleman for yielding.

It is my distinct pleasure to have Rabbi Asa here today. The gentleman from California [Mr. DANNEMEYER] and his wife and my wife toured Israel with him last April, and we had a tremendous time with a tremendous individual, and it is a real pleasure to have him here in the House today as the visiting chaplain.

JOINT CHIEFS OF STAFF REFORM GAINING MOMENTUM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, as many of my colleagues know, I have been interested in the reform of the Joint Chiefs of Staff for quite some time, having introduced legislation on this subject.

Recently the House Armed Services Committee reported out H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985 by a vote of 38 to 2. This bill now has 137 cosponsors, and I take pride in the fact that this is a bipartisan effort, and that those who support the bill represent the entire political spectrum found here in the House.

Over the past few days, other supporters have declared themselves. For instance, the Veterans of Foreign Wars recently sent a letter to all Members of the House of Representatives stating that this bill will improve the flow of military advice and strengthen the independence of the Joint Staff in dealing with interservice problems.

Just yesterday, Mr. Speaker, the House Republican Policy Committee heard from some of the Republican members of the House Armed Services Committee about this issue, and as a result of this meeting, that group drafted a resolution supporting the Joint Chiefs of Staff reorganization bill.

This truly reflects the bipartisan effort to make the management within the Pentagon work better.

Mr. Speaker, I encourage my colleagues from both sides of the aisle who have not yet studied this bill to review it and to cosponsor H.R. 3622, the Joint Chiefs of Staff reorganization bill of 1985. Now is the time to act.

THE SUMMIT AND THE DEMOCRATIC LEADERSHIP

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, either the New York Times is in error or unnamed Democrats owe the Speaker of the House an apology.

I refer to the lead story on the front page of the New York Times this morning. The headline reads: "O'NEILL Reported To Be Optimistic of Summit Success."

The Times says that the Speaker's optimism is—and I quote—"part of a Democratic political strategy for the Geneva summit."

The Times then goes on to quote unnamed "Democratic sources in the House" as saying the Speaker's statement of optimism is part of a plan to—and I quote—"place the responsibility (for the summit) squarely on Mr. Reagan" and seek "to blunt the effect on Democrats of a successful Geneva meeting."

As I understand this, Mr. Speaker, the Times is saying that the Speaker of the House is injecting partisan politics into the summit meeting.

I, for one, refuse to believe that the Speaker of the House would use his high office for such a partisan purpose.

Therefore, I can only conclude either that the Times got the story wrong or that the Times Democratic sources are spreading vicious rumors about the Speaker.

In either case it is deplorable. If we ever come to a time in this country when the Speaker of the House would try to inject partisan politics into a summit meeting, we'd be in sorry shape, indeed.

A UNITED AMERICA IN SUPPORT OF PRESIDENT REAGAN AT THE GENEVA SUMMIT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I want to thank the Republican minority leader, the gentleman from Illinois, BOB MICHEL, for bringing that matter up. We, the Democratic leadership had a full press conference this morning. As a matter of fact, I made reference to the article in the New York Times.

As you know, I am an avid reader of the Times, and the Washington Post, and the Boston Globe, the majority of the liberal papers in America. I do not always follow their policy, but I admire and respect their reporters, excepting, of course, when they editorialize.

That writer went out to editorialize in the article that I read this morning. He was absolutely and completely wrong. Where he got his information was the figment of somebody's imagination.

The gentleman from Illinois [Mr. MICHEL] was in Russia with me when we talked to Gorbachev. We had 4 hours with him, an excellent meeting.

I remember when I went in first to meet with him, face-to-face, just the two of us, he spoke to me in English.

He said, "You are the leader of the opposition." He said, "I do not know what the opposition means, Democrat, Republican, you all oppose communism."

I said, "Mr. Gorbachev, let me say this to you: At home, on the domestic front, we have issues and we have opposition philosophically, oftentimes on foreign affairs. But when the President of the United States goes to Geneva with you, he is representing our country, and we talk as one. So yes, you may say you do not know what the opposition is because both Democrats and Republicans are opposed to communism. But we stand together in support of the President of the United States, not only Tip O'NEILL, but the party that I stand for, and the party that I represent, and the Congress of the United States."

I urge all Americans to give their support to the President of the United States.

IN OPPOSITION TO THE LABOR-MANAGEMENT AND CONSULTATION ACT OF 1985

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, I think H.R. 1616 could be more aptly called the Federal Interference Authorization Act of 1985. That's what this bill would really do, after all. It would codify more needless and misguided Federal intrusion into business management decisions.

I've always thought businesses were responsible enough to determine, for themselves, how best to preserve their economic viability. H.R. 1616 would stunt that prerogative by restricting companies from shedding unprofitable operations.

Now that's a great way to combat innovation and efficiency, but will it really save that many jobs? Maybe in the short term, but in the long term, America's job-creating abilities will be hurt. Hampering the mobility and adaptability of American businesses is going to result in less expansion, reduced competitiveness, and fewer jobs. Fewer jobs, not more.

I'm afraid requiring advanced notification also ascribes more clairvoyant capacities to business managers than is realistic. The status of a financially troubled business is often too murky, pending reorganization and refinancing efforts. And for those businesses already on the brink of financial disaster, H.R. 1616 would almost surely provide a pair of cement shoes.

I urge my colleagues to defeat this misguided measure.

RAISING THE ISSUE OF MIA'S AND POW'S AT GENEVA SUMMIT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to address my colleagues on the matter of our missing Americans who remain in Southeast Asia following the war in Indochina. As President Reagan prepares to depart for the upcoming summit meeting in Geneva, I feel that the issue of our MIA's and POW's should be raised with Secretary General Gorbachev of the Soviet Union and that the President should impress upon Mr. Gorbachev the need to apply pressure on the Government of Vietnam to assist our Nation to a much greater extent in resolving this important issue. I am, today, circulating a letter to the President asking that he raise the issue of our 2,441 missing Americans while in Geneva. I would like to request the assistance of my colleagues through your signature on this letter.

I have the letter with me. So, if anybody would like to sign it, I have it right here.

VOTE NO ON ANOTHER DEBT LIMIT EXTENSION

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I am told today that we are going to be given the opportunity to vote for another temporary debt extension. This is the third one in the last 2 months.

I am going to suggest to other Members that we vote no. We have been asked to vote, we will be asked to vote for this particular extension because the President is going to Geneva. Last time, it was because of the Social Security checks, and the time before that, it was because we just had not had enough time to debate the Gramm-Rudman Deficit Reduction Act.

Mr. Speaker, there will never be enough time to advocate our responsibility on how to reduce spending. I think that we should vote no on this, get the conference committee, which is in session right now, to go ahead and make the decision on what type of legislation we need to get the deficit under control, and send the President to Geneva in the most strongest possible term, and that is with an agreement to get our deficit spending under control.

□ 1040

THE TRADE CRISIS IS SWEEPING OUR ENTIRE MANUFACTURING SECTOR

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, like so many parts of our Nation, South Carolina has been severely hurt by surging imports. In my district—the hardest hit areas are textiles, apparels, and forestry products—but the problem is certainly not confined to these important industries. The trade crisis is sweeping across our entire manufacturing sector—affecting industry after industry.

A conversation I had recently with the general manager of Alumax, Inc., in Goose Creek, SC, demonstrates the magnitude of the trade problem.

Alumax has announced that it is being forced to lay off 60 workers and curtail production by 30,000 tons. Alumax is a state-of-the-art aluminum manufacturing facility, but Alumax is forced to compete not only against foreign produced aluminum but also against foreign governments. Australia, Brazil, Canada, and other nations are subsidizing and operating their aluminum production at 110 percent of capacity, completely ignoring market conditions.

As a result, any excess capacity during an economic downswing is taken out of aluminum production in the United States.

Mr. Speaker, by its actions the administration has already demonstrated its response to the trade problem—do nothing and let imports flood our markets and displace our workers.

America is in a trade war and all the administration will do is watch our Nation being batted around the ring of international trade like a punch drunk noncontender.

This rope-a-dope strategy may have worked for Muhammad Ali, but it will not work for the United States. Our trade problems are much too critical to continue on our current course.

The President is fiddling while Rome is burning. The American people expect and deserve a trade policy that will unshackle our people and our resources—allowing America to compete.

IF YOU CARE ABOUT AMERICAN WORKERS, OPPOSE H.R. 1616

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, H.R. 1616 has to win the title as one of the most economic-illiterate bills ever offered in this Congress.

H.R. 1616 requires early notice of plant closing.

What happens when you give notice that the plant is going to close? Suppliers may cut off deliveries, or at least demand cash on delivery. Lenders may reexamine the credit lines. Customers may begin to look for other suppliers. It may provide a death knell to an operation that may have a chance of making it without the announcement.

If you care about American workers H.R. 1616 should be opposed.

THE COMMISSAR'S NAVY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the "hammer and sickle" is replacing the "stars and stripes" on the oceans of the world. This occurrence is no accident. It is part of a well thought out Soviet strategy. The Soviets have recognized since the fifties, that if the U.S.S.R. is to achieve world power status it first must become a major sea power. It is clear they have achieved their goal.

Not only are naval vessels important to their plans, but merchant, fishing, and scientific research vessels play a key role. Thus, the modern merchant fleet of the Soviet Union—totally controlled by Moscow—can be, and oftentimes is, diverted to military tasks in support of state objectives. Look at a few examples:

Soviet fishing boats obtain fishing and landing rights in Third World countries. Those landing rights are eventually extended to Soviet naval vessels.

Mor Flot, the Soviet merchant marine, has transported arms and Cuban troops to Angola, Ethiopia, South Yemen, and Nicaragua.

Soviet missiles were transported to Cuba not by naval vessels but rather by merchant vessels.

We need a merchant marine to complement our Navy, just as the Soviet merchant fleet expands the capacity and reach of its naval forces. We have a lot of catching up to do. The Soviets have 1,750 merchant ships compared to less than 400 active U.S. merchant ships. Clearly, the United States must expand its merchant fleet if we are to defend our vital interests. It is time to recommit ourselves to a larger, modern U.S. merchant marine. Before it's too late.

LIMITING THE LIABILITY OF VOLUNTEERS IN AMATEUR ATHLETIC ACTIVITIES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, and Members of the House, last summer in a Little League game in New Jersey, the manager sent in a youngster to play left field, as a result of which the youngster, seemingly unfamiliar with the position, was struck by a fly ball as he misjudged it.

As a result of that, the parents of the youngster sued, in court, the manager and the coach and the entire aggregation that was responsible for putting the Little League game on in the first place. This is an unfortunate result. We must do something to limit the liability of the volunteers, the thousands of volunteers across the Nation, managers and coaches who put these programs into effect and who sacrifice a lot of their time and their energy and personal resources on that account.

I am today introducing a piece of legislation that would go a long way to limit the liability and thus preserve the greatest amateur volunteer youthful program situation that the world has ever known here in the United States.

REFERENDA IN NEW ENGLAND: THE PEOPLE SPEAK

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, to those of my colleagues who hide their heads in the sand whenever a bill with an abortion rider comes to the floor, to those of my colleagues who say privately that they support a woman's right to control her own body but publicly must reflect the views of their constituents, to those of my colleagues who say they have no desire to take on the vitriolic antiabortion lobby, I call your attention to the results of referenda held November 5 in three small, conservative New England towns—Dover, NH; Derry, NH; and Bristol, CT.

The question posed to the voters in each town was essentially the same: "Should the 1973 decision of the Supreme Court in Roe versus Wade regarding abortion be overturned?" The three towns were targeted for the referenda by antiabortion forces precisely because of their small town, conservative nature. Yet in each community, the majority of the voters supported the Supreme Court's ruling—65 percent in Dover, 60 percent in Derry, and 56 percent in Bristol.

The voters of these communities are sending you a message—get that sand out of your ears and listen to them.

SEATBELT DEMONSTRATION PROGRAM AN IMMEDIATE SUCCESS

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I would like to give a progress report to my colleagues on the seatbelt safety demonstration program authorized by this Congress being conducted in the Ninth Congressional District of Pennsylvania.

This is a program to promote the voluntary use of seatbelts through intensive media and educational programs. Two months into the program we are experiencing a 40-percent increase in the voluntary use of seatbelts, according to a professional research organization's observations on the highways, which shows that certainly we can have a substantial improvement in the wearing of seatbelts, although we still have a long way to go.

During this same period of time, nine fatalities occurred on our highways. The State police tell us that in not a single instance was the victim wearing a seatbelt.

Conversely, at the same time, reports are pouring in; letters and phone calls from people telling us of accidents they have been involved in when they had their seatbelt on and they were able to walk away from it with minor injuries, or unscathed.

So I am hoping that in the future we are going to be able to turn this demonstration project into a national program to help save lives on our Nation's highways.

RETIREMENT OF FAYE MERRILL AS DISTRICT MANAGER OF THE HAZARD, KY, SOCIAL SECURITY OFFICE

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, in about 1 month, Faye Merrill will retire as district manager of the Hazard, KY, Social Security office, in Perry County.

Faye began serving with Social Security as a stenographer in the Hazard district office on August 14, 1950. I might add that August 14 is the birthday of Social Security. She steadily advanced up through the ranks of Social Security to become district manager of the Hazard office in 1978. Such progress is most unusual within Social Security. This is a recognition of Faye's ability and dedication. Faye was also one of the early women district managers with Social Security. There is only one other woman manager in the Commonwealth of Kentucky.

She has served the people of eastern Kentucky for over 35 years with dedication, competence, and compassion. Faye Merrill is an outstanding public servant and stands as an example for all who seek to serve the people in any capacity.

Faye Merrill also found time to be a dedicated wife and mother, as well as an active participant in her community.

I personally think Faye is too young to retire and hope she will change her mind, but she has made her decision. On behalf of the tens of thousands of people who have benefited from her competence and compassion, I wish her well in her retirement and I know she will continue to serve her community for many years to come.

IT IS TIME TO MODERNIZE THE FALSE CLAIMS ACT

(Mr. SHAW asked and was given permission to address the House for 1 minute and revise and to extend his remarks.)

Mr. SHAW. Mr. Speaker, we are all aware of the recent fraud perpetrated upon the U.S. Government by some defense contractors. Most of us are also aware of the shortcomings inherent in the False Claims Act, which prevents our Federal Government from obtaining an adequate damage award against those that defraud the U.S. Government.

The False Claims Act currently provides that the United States may be awarded double damages in cases involving fraud.

□ 1050

The act has not been amended since 1963. I believe it is time we brought our Government up to the same legal standards that we as U.S. citizens enjoy under some of our State laws.

On Friday of last week, the President signed into law the conference report of the Department of Defense authorization for 1986. The new law included a provision that allows the United States, despite our current statutes, to receive triple damages against those found to have defrauded our Defense Department. I think it is an excellent new law.

However, today, Mr. Speaker, I am introducing a bill to amend the False Claims Act to allow our Government triple damages against any person who defrauds any arm or agency of the U.S. Government.

OUR DEMOCRATIC CONFEREES SHOULD REMAIN STEADFAST ON THE DEMOCRATIC ALTERNATIVE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I understand there has been an extension in the time before the conferees will conclude and come back with a report on Gramm-Rudman, and I think it is a very positive development. Every day that passes increases the possibility that a little more of the collective wisdom will prevail and we will therefore avert a disaster with this piece of legislation.

Mr. Speaker, I urge the Democratic conferees to remain steadfast in their defense of the Democratic alternative which passed this House. In that alternative there are nine critical programs, means tested, and safety net programs which have already in 1981 paid the price and been drastically cut.

I hope that the conferees will refuse to negotiate away the responsibility of saving these means tested programs. They have already paid the price in 1981; they should not be asked again to give.

It is critical that we hold fast and make this a nonnegotiable provision in the process with the conferees from the other body.

FULL COMPLIANCE IS NECESSARY FOR MEANINGFUL ARMS REDUCTION AND HUMAN RIGHTS AGREEMENTS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as we look toward next week's historic summit conference, it is critically important that we realize that only one country, the United States of America, has protested Soviet violations of the 1972 ABM Treaty, the 1975 Helsinki accords, the SALT agreement, the 1963 Nuclear Test Ban Treaty, and other violations.

The only way, Mr. Speaker, that we can have meaningful arms reduction and human rights agreements is to ensure full compliance.

This past weekend, Congressman DUNCAN HUNTER led a delegation to Western Europe. I am very pleased to report that members of parliament from Western European countries, will be joining us in demanding that the Soviet Union fully comply with past agreements so that we will be able to trust future agreements.

REAGAN'S GENERIC SUPPORT MEANS NO SUPPORT

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, we have all heard of genetic engineering. I would like to just discuss generic engineering.

Yesterday the White House said the President would probably veto the balanced budget proposal because Mr. Reagan's support for it had only been generic. Likewise, his astonishing statement that star wars should be instituted only after both sides had completely eliminated nuclear weapons was also placed in the generic file by Larry Speakes.

Since the President has not endorsed any specific tax reform proposal including that of the Treasury Department and now talks of a veto on that as well, one can only surmise that his support for tax reform is also generic.

Generic engineering occurs when the Congress tries to apply specifics to the Presidential generics. We provide a great target, one that the President often shoots down with specifics.

HERE WE GO AGAIN, AVOIDING OUR RESPONSIBILITY TO REDUCE THE DEFICIT AND BALANCE THE BUDGET

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Hampshire. Mr. Speaker, a rather famous American has made the statement, "Here we go again."

Today the temporary extension of the debt ceiling is going to be voted on, extending the debt ceiling one more time to December 13, a very appropriate day, an unlucky day again for the American people.

Business as usual; instead of cutting spending we are going to avoid our responsibility again to reduce the deficit and balance the budget. We are going to add to our national debt and increase the interest on that debt and pass it on, selfishly, to our children.

It is interesting what the latest excuse is. The latest excuse is, we cannot afford to undermine President Reagan in Geneva. Many of the same people who will vote to extend this debt ceiling today have been undermining President Reagan on the floor of this House day after day, not giving him the defense programs that he needs to be strong in Geneva.

The real undermining of President Reagan, Mr. Speaker, is \$200 billion deficits and \$2 trillion debt that threatens the very defense and security of the United States of America.

MARGARINE LOBBY DENIES BUTTER COMMODITIES TO MILLIONS OF NEEDY AMERICANS

(Mr. WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON. Mr. Speaker, once again I would like to rise to congratulate the margarine lobby on their vast influence on the inner circles of our Government. As I mentioned 2 weeks ago, the margarine lobby; that is, Parkay, Crown, Blue Bonnet, and the rest have been successful in denying some 10 to 15 million needy Americans butter commodities that otherwise would be thrown into the sea or disposed of in a wasteful manner.

Now, Mr. Speaker, nobody ever intended this to be the case. Nobody ever intended for commodities that are needed by needy Americans to be absolutely thrown away at vast expense to the American taxpayer. I call on the committees involved in Congress, in this House and in the other body, to please do what they can to rectify this miscarriage of justice and certainly something that is not desirable by the American people.

H.R. 1616, A BAD BILL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, many speeches have been made on this floor by Members of this body about trade and protecting Americans and American industries. Though, Mr. Speaker, these same people that say they are the only ones that are concerned about protecting industry against unfair trade have brought to the floor yesterday a bill that would do more to hurt our ability to compete in the world than any other bill in this country. This is H.R. 1616, the so-called plant closings bill.

I call it the antitrade bill. This bill would hog-tie our industry to inefficiently change to world market conditions. This bill will help our world competitors by diverting capital and therefore jobs away from the United States and toward our foreign competitors in foreign markets. The proponents of H.R. 1616 say that if we do not pass protectionist bills we are exporting jobs. I say H.R. 1616 demands that we export jobs from America.

STATUS OF OUR HOSTAGES IN BEIRUT

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, over the weekend my colleague, GEORGE O'BRIEN, and I had a great burden put upon us, and, quite frankly, I want to share it with all the rest of our colleagues in the House. On Friday, November 8, a letter was sent to Mr. O'BRIEN and myself from four of the six American hostages that we pray are still alive in Beirut. Keep in

mind that there are seven other hostages from France, Great Britain, Kuwait, and Saudi Arabia also held there in brutal captivity.

The letter to us has been authenticated by the State Department. The signatures have been verified.

In the last paragraph, the four of our American hostages point out that, Father Jenco has been a hostage for 10 months, Terry Anderson for 8 months, David Jacobsen 6 months, and Tom Sutherland for 5 months. They said, "We seem no closer to release than the day we were taken, and our physical and mental condition is slowly deteriorating. Our release can be very rapid, our captors say."

They asked Mr. O'BRIEN and myself to ask our colleagues in the House and in the Senate "to try to persuade President Reagan to take the only course available to win our release and to take it quickly. May the Lord bless you."

Mr. Speaker, President Reagan cannot deal with terrorists; religious people can. The representative of the Archbishop of Canterbury, who also received a letter from these four Americans, is on his way to Beirut now. I hope all of us will pray for a rapid solution. And I ask my colleagues to share their ideas for a peaceful resolution to this challenging situation with me.

I thank the Speaker.

MORE ON SOVIET VIOLATIONS OF INTERNATIONAL AGREEMENTS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, last week a number of us laid out for NATO and French leaders a briefing that consists of artists' renderings of satellite imagery that clearly shows that the Soviet Union is cheating on arms control agreements. The SS-25 radar at Krasnoyarsk and the SA-12 missiles are all evidence that the Soviets are driving for armed superiority.

Mr. DREIER, who was a member of our delegation, is circulating throughout the legislative bodies of the free world a letter taking to task Mikhail Gorbachev for ABM violations, SALT violations, and chemical warfare violations.

I would urge every Member in this body to sign that letter to let Mr. Gorbachev know that it is not only the executive branch of the United States that is concerned about these violations.

Let me simply close by saying that the Europeans are very relieved, in my estimation, that an American President is going to Geneva who is not concerned or who does not feel that he has to make an agreement for agree-

ment's sake. We have a President who will only make an agreement if it is clearly in Western interests, if violations and compliance with agreements can clearly be verified by onsite inspection.

WHAT THE INCREASING DEFICIT MEANS TO THE AVERAGE AMERICAN FAMILY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, this bill raises the national debt to \$1,903,800 million. Nobody in this House understands what that figure means. Certainly no one in the country understands what it means.

It raises the debt by \$80 billion. No one in this House knows what \$80 billion means; no one in the country understands it.

But let me put it in terms that maybe you do understand: It raises the debt burden on every American family of four in this country by \$1,600. You put that together with what we did last week when we raised the debt burden by \$17 billion. That was \$340 of additional debt for every American family. That means combined with last week's action the action that this House is prepared to take today will raise the debt burden on the American people by nearly \$2,000 per family. Now, there are going to be attempts to gloss over this fact on the floor today by talking about Social Security and all kinds of other extraneous things. The only thing we did last week and the only thing we are doing here is increasing debt to the American people that they have to pay interest on to the tune of \$2,000. Two thousand dollars, it may not be a lot of money around here, but it is a lot of money out in the country, and I think we had better think twice before we take this kind of action.

TRIBUTE TO PELLE LINDBERGH

(Mr. MORRISON of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON of Washington. Mr. Speaker, both sorrow and joy come from the tragic accident of Philadelphia Flyers' goalie Pelle Lindbergh. Sorrow comes as a natural response to death. The joy becomes because, thanks to modern medical science, Pelle Lindbergh can live on through others, others to whom he gives life through the donation of usable organs and tissue. I congratulate and thank the Lindbergh family for making the decision to allow this gift of life.

Last night I introduced, with over 200 cosponsors, the "Declaration of

National Organ and Tissue Donor Awareness Week" in April 1986.

Mr. Speaker, I encourage others to join us in thanks to Pelle Lindbergh for through his death his gift of life to others.

TRIBUTE TO BOB WICHSE

(Mr. ZSCHAU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZSCHAU. Mr. Speaker, last Sunday Bob Wichser, who had served with distinction as the administrative assistant to our former colleague, Paul Findley, for 16 years and as my administrative assistant for 2½ years, was buried on his farm in Woodstock, VA. He lost his life trying to save some sheep from the rising water in the flooding that took place last week. Miraculously, his wife, Pat, who had served most recently as the administrative assistant to our colleague Tom TAUKE, was rescued from the swirling waters by the heroic efforts of Bob's father.

□ 1105

Professionally, Bob was the best. He was competent, hard working, creative, and loyal. Without his guidance, I would have been lost here as a rookie Congressman. But he was far more than an outstanding professional. Bob was a warm, caring person, who made his staff feel like a family rather than just a group of employees. He took a personal interest in each staff member, praising them when they succeeded, encouraging them when they were down, and treating their personal difficulties as his own. They and I will always remember him for all he did for us, for his happy-go-lucky manner, his colorful attire, and his winning smile.

My wife, Jo, and I extend our deepest sympathies to Pat, her parents, Bob's parents, Bob's many friends, and particularly his former staff members, whom he loved and who loved him in return.

BUY AMERICA IS DEAD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I came to the Congress under the impression that all Federal purchases, both civilian and military, had to be bought in America. One of the few comforts I derived from budget votes was that the money would—at least—be spent inside of our economy to bolster our faltering industrial base.

It's not so. In the 1979 Trade Agreements Act, the Congress voted to the President the power to "waive, in whole or in part . . . with respect to

eligible products of any foreign country or instrumentality . . . the application of any law" which would "result in treatment less favorable than that accorded to U.S. products and suppliers of such products."

This law was followed by the 1982 NATO law and the 1984 Defense appropriations bill which allows now for weapons parts, necessary to our defense, to be manufactured abroad, and for licensing of weapons which we developed and paid for, to be manufactured in other nations.

We have lost our fastener industry—8 out of 10 nuts, bolts, and screws are imported; 80 percent of ball bearings under 30 millimeters are imported. The steel industry and the machine tool industry are under siege from imports. And, our taxpayers' money is being exported to build foreign industry.

Mr. Speaker, what the Congress has given away, the Congress can take back. I think it is time to be considering just that.

THE DEBT LIMIT INCREASE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just want to point out that the gentleman from Pennsylvania earlier had tended toward exaggeration. The fact is that we have had an opportunity for several weeks to pass the Gramm-Rudman proposal which would bring us into a balanced budget by 1991. It is not nearly \$2,000, as the gentleman from Pennsylvania said. We will, if we vote for today's debt limit increase, only have raised the budget \$1,940 per family.

I think every Member of this Congress ought to look at what we are doing. The fact is that we should not pass a debt limit extension without having first brought spending under control. The whole fight has been over that. I think the administration has made a major mistake today in effect flinching and trying to buy time, so they go to Geneva looking like what? Looking like they have simply said, "We can't bring the Congress to control spending, we can't bring the Congress to get the American Government under control."

Now, I think the fact is we are going to be right back in the same mess when we come back after the Geneva conference. I think the Congress does have an obligation to control spending, and I think it is wrong to raise the debt ceiling \$1,940 per family without controlling spending.

I do appreciate the gentleman from Pennsylvania bringing that to our attention.

PROVIDING FOR CONSIDERATION OF H.R. 3722, EXTENSION OF APPLICATION OF CERTAIN EXCISE TAXES AND PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE, MEDICARE REIMBURSEMENT, AND RAILROAD UNEMPLOYMENT BORROWING AUTHORITY

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 317 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 317

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider the bill (H.R. 3722) to extend until December 14, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program, in the House, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the previous questions shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. SKELTON). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Missouri [Mr. TAYLOR], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 317 provides for consideration of H.R. 3722, extension of certain tobacco taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program.

This rule provides for consideration of H.R. 3722 in the House, and waives all points of order against consideration of the bill. No amendments to the bill are in order under this rule, unless offered by the chairman of the Committee on Ways and Means.

The rule provides that debate on the bill shall not exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

At the conclusion of debate, the previous question shall be considered as ordered. No intervening motion is in order under the rule, except one motion to recommit.

Mr. Speaker, H.R. 3722 is a straightforward extension of four programs: application of certain tobacco excise taxes, trade adjustment assistance,

certain Medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program, through December 14, 1985. The authorities under three of these programs would otherwise expire tomorrow, November 14, and the fourth would expire on Friday, November 15.

The rule before the House this morning will allow for expeditious consideration of this measure, providing for a straight up-or-down vote on moving the expiration dates for these four programs to December 14, 1985.

Mr. Speaker, I urge adoption of the rule.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 317 is a closed rule under which the House will consider H.R. 3722, which is emergency legislation extending until December 14 the application of four provisions of law under the jurisdiction of the Committee on Ways and Means.

The Committee on Rules met yesterday in emergency session and granted this rule by voice vote. There was no opposition to the request of the distinguished gentleman from Illinois, the chairman of the Committee on Ways and Means, Mr. ROSTENKOWSKI. The chairman was joined in his request by the distinguished gentleman from Tennessee, the ranking Republican member, Mr. DUNCAN.

Mr. Speaker, the rule provides for consideration of H.R. 3722 in the House. As the gentleman from South Carolina [Mr. DERRICK] has explained, this effectively forecloses the possibility of floor amendments unless the manager of the bill yields for the purpose of an amendment.

Mr. Speaker, our colleagues should also be made aware that this rule waives all points of order against consideration of H.R. 3722 and provides for one motion to recommit. The bill made in order by this rule, H.R. 3722 extends four provisions of law. It continues the Federal excise tax on cigarettes at the rate of 16 cents per pack. The tax rate had been scheduled to drop to 8 cents a pack on October 1, and the 16-cent tax was extended earlier this year.

It extends the 1974 trade adjustment assistance program, which restrains workers who have lost their jobs due to imports of foreign products, and it provides aid to firms hurt by foreign imports.

It continues the authority for the railroad unemployment insurance account to borrow money from the railroad retirement account if needed to pay benefits of unemployed railroad workers, and it continues the existing limits on Medicare payments to hospitals and physicians. Without this extension, payments would have increased on October 1, which would

have cost the Federal Government an estimated \$230 million by November 1.

This is the second extension for this provision.

Mr. Speaker, none of us likes to legislate in this fashion, none of us likes to be forced to be put in a position of limping along on 30-day extensions. This is truly a unique situation that I hope will not be repeated as we approach the middle of December.

I support the rule, so that these provisions of law can continue in effect, without change, while permanent legislation is being worked out by the Committee on Ways and Means.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair is waiting for the Committee on Ways and Means to come to the floor for the purpose of debating the bill.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Could the Speaker inform us what the schedule is? There seems to be a good deal of confusion as to what we are taking up next, what comes after that. Could the Chair give us some idea as to what is going on here?

The SPEAKER pro tempore. The House will proceed to consider of H.R. 3722, and the Chair will recognize the gentleman from Illinois.

Mr. WALKER. Which is the cigarette tax bill?

The SPEAKER pro tempore. That is right.

Mr. WALKER. Could the Chair tell us what comes up after that?

The SPEAKER pro tempore. The conference report.

Mr. WALKER. On HUD?

The SPEAKER pro tempore. On HUD appropriations.

Mr. WALKER. And then after that, the rule on the debt limit, and then the debt limit?

The SPEAKER pro tempore. That is the Chair's understanding at this time.

Mr. WALKER. I thank the Chair.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

in which to revise and extend their remarks on H.R. 3722, the bill to be presently considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF APPLICATION OF CERTAIN EXCISE TAXES AND PROVISIONS RELATING TO TRADE ADJUSTMENT ASSISTANCE, MEDICARE REIMBURSEMENT, AND RAILROAD UNEMPLOYMENT BORROWING AUTHORITY

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the provisions of House Resolution 317, I call up the bill (H.R. 3722) to extend until December 14, 1985, the application of certain tobacco excise taxes, trade adjustment assistance, certain Medicare reimbursement provisions, and borrowing authority under the railroad unemployment insurance program, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill, H.R. 3722, is as follows:

H.R. 3722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INCREASE IN TAX ON CIGARETTES.

Subsection (c) of section 283 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to increase in tax on cigarettes) is amended by striking out "November 15, 1985" and inserting in lieu thereof "December 15, 1985".

SEC. 2. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 285 of the Trade Act of 1974 (19 U.S.C. note preceding section 2271) is amended by striking out "November 14, 1985" and inserting in lieu thereof "December 14, 1985".

SEC. 3. EXTENSION OF BORROWING AUTHORITY UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

Section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "November 14, 1985" each place it appears and inserting in lieu thereof, "December 14, 1985".

SEC. 4. EXTENSION OF MEDICARE HOSPITAL AND PHYSICIAN PAYMENT PROVISIONS.

Section 5(c) of the Emergency Extension Act of 1985 (Public Law 99-107) is amended by striking out "November 14, 1985" and inserting in lieu thereof "December 14, 1985".

□ 1120

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3722, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3722 is very important legislation. The bill extends provisions of present law which are currently scheduled to expire on November 14, 1985. These same provisions were extended for a 45-day period in H.R. 3452.

A long-term extension or modification of each of these issues will be enacted in the near future, but not before tomorrow night when they expire. The permanent extensions or modifications of these provisions are contained in the Committee on Ways and Means' fiscal 1986 reconciliation legislation which the House passed several weeks ago. The Senate is expected to act on this reconciliation legislation next week.

The bill before you today, H.R. 3722, extends the present cigarette excise tax rate of 16 cents per pack through December 14, 1985.

Second, the bill extends the trade adjustment assistance programs for workers and firms adversely affected by import competition through December 14, 1985.

Third, H.R. 3722 extends borrowing authority for the railroad unemployment insurance account. Under the bill, the unemployment account could borrow through December 14, 1985, from the railroad retirement account if there are insufficient funds in the unemployment account to pay benefits to unemployed rail workers.

Last, H.R. 3722 keeps in place for an additional 30 days the Medicare reimbursement rules for doctors and hospitals that were in use last fiscal year. This extension will minimize confusion in the Medicare Program.

For hospitals, the prospective payment regulations prepared for implementation October 1, 1985, and delayed earlier under H.R. 3452 until November 14, would not be implemented. This means that hospital payment rates would continue to be frozen for an additional 30 days. Also, implementation of a new wage index would be delayed. And, the hospital specific and Federal DRG components of the prospective payments would remain unchanged for a further 30 days.

For physicians, reimbursement amounts would also remain unchanged for a further 30 days. There would also be no change in the amounts that nonparticipating physicians are allowed to change Medicare beneficiaries.

Because of the delay in passage of the deficit reduction amendments, doctors do not know what the Medicare payment rules will be for fiscal 1986. Therefore, it is my strong intention to work in the conference committee on H.R. 3128 to provide for a new election period for all physicians to decide whether to elect to become participation physicians in the Medicare Program. This new enrollment period is important so that physicians will know exactly what the rules will be for fiscal 1986 when they elect to participate.

Mr. Speaker, the Committee on Ways and Means has unanimously approved this emergency legislation. Its enactment will minimize confusion and potential economic distortions from changes scheduled under current law. This bill will allow time for subsequent enactment of permanent solutions.

In the interest of avoiding unwarranted and unnecessary disruptions, I urge approval of H.R. 3722.

Following my statement is a more thorough explanation of H.R. 3722:

H.R. 3722

I. BACKGROUND AND SUMMARY

Background

This bill extends provisions of present law, currently scheduled to expire after November 14, 1985, that were extended for a 45-day period in H.R. 3452 (P.L. 99-107). This bill extends these same provisions for a further 30-day period, through December 14, 1985, in order to give Congress time to consider these matters in the budget reconciliation process. These provisions are addressed in H.R. 3128 (Deficit Reduction Amendments of 1985), as passed by the House on October 31, 1985, and awaiting Senate consideration. These provisions are summarized below.

Summary of provisions

1. Temporary Extension of Cigarette Excise Tax Rates

The bill extends the present cigarette excise tax rates (i.e., 16 cents per pack for small cigarettes) from November 15, 1985 through December 14, 1985.

2. Temporary Extension of Trade Adjustment Assistance Programs

The bill extends the trade adjustment assistance (TAA) programs from November 15, 1985 through December 14, 1985.

3. Temporary Extension of the Authority for the Railroad Unemployment Insurance Account to Borrow From the Railroad Retirement Account

The bill extends for 30 days (through December 14, 1985) the authority for the Railroad Unemployment Insurance Account to borrow from the Railroad Retirement Account.

4. Temporary Extension of Medicare Hospital and Physician Payment Provisions

a. Medicare hospital payment program

Under the bill, Medicare hospital payment rates are frozen for a 30-day period, implementation of a new wage index is deferred, and the proportions of hospital-specific and Federal DRG components in the prospective payment amounts would remain un-

changed during the 30-day period, November 15-December 14, 1985.

b. Medicare physician payment program

Under the bill, Medicare physician reimbursement amounts would remain unchanged for the 30-day period, November 15 through December 14, 1985, and the amounts that nonparticipating physicians may charge beneficiaries would remain frozen for this 30-day period.

II. EXPLANATION OF THE BILL

1. Temporary Extension of Cigarette Excise Tax Rates

Present law

An excise tax is imposed on cigarettes manufactured in or imported into the United States (Code sec. 5701(a)). The present tax rate on small cigarettes is \$8 per thousand (i.e., 16 cents per pack of 20 cigarettes). The tax rate on large cigarettes generally is \$16.80 per thousand; proportionately higher rates apply to large cigarettes that exceed 6.5 inches in length. Small cigarettes, which comprise most taxable cigarettes, are cigarettes weighing no more than 3 pounds per thousand.

Under Public Law 99-107, the present cigarette excise tax rates are scheduled to decrease by one-half on November 15, 1985 (e.g., to 8 cents per pack of 20 for small cigarettes).

H.R. 3128, passed by the House on October 31, 1985, would extend the present-law cigarette excise tax rates on a permanent basis. H.R. 3128 is part of the fiscal year 1986 budget reconciliation legislation that has passed the House, and is awaiting Senate consideration.

Reasons for change

The Committee believes that the present cigarette excise tax rates should be extended on a permanent basis, but that this permanent extension should be enacted as part of budget reconciliation. The November 15, 1985, scheduled reduction in those rates is imminent. To permit cigarette tax rates to decline and then be increased again could cause economic distortions in the market for that product and hardship for the businesses involved, and would also lose revenue to the Government. The committee determined, therefore, that another temporary extension of the present cigarette tax rates is necessary to allow Congress adequate time to examine this issue as part of the budget reconciliation process.

Explanation of provision

The bill extends the present cigarette excise tax rates for 30 days, through December 14, 1985.

Effective date

The cigarette excise tax rate extension applies to cigarettes removed after November 14, 1985, and before December 15, 1985.

Revenue effect

This provision is estimated to increase net fiscal year budget receipts by \$140 million in 1986, and not affect future fiscal years.

2. Temporary Extension of Trade Adjustment Assistance Programs

Present law

The trade adjustment assistance (TAA) programs under the Trade Act of 1974 for workers and firms adversely affected by increased import competition terminate by statute of November 14, 1985. Public Law 99-107 extended these programs through November 14, 1985, from the prior September 30, 1985 expiration.

Reasons for change

H.R. 3128, "Deficit Reduction Amendments of 1985", as passed by the House on October 31, 1985, reauthorizes the TAA programs for four years, through September 30, 1989. The Senate Committee on Finance has also agreed to reauthorize TAA as part of its budget reconciliation legislation. The Further Continuing Resolution for FY 1986 (H.J. Res. 441) as passed by the House on November 12, 1985, continues funding for worker and firm TAA at fiscal year 1985 levels through December 12, 1985.

The purpose of the provision is to remove any possible question as to legislative intent and the legality of spending funds included in the Further Continuing Resolution for present TAA programs during the interim period, pending completion of House and Senate consideration of the reauthorizing legislation.

Explanation of provision

The bill changes the trade adjustment assistance termination date under section 285 of the Trade Act of 1974 from November 14, 1985 to December 14, 1985.

3. Temporary Extension of the Authority for the Railroad Unemployment Insurance Account to Borrow from the Railroad Retirement Account

Present law

The Railroad Unemployment Insurance Account can borrow from the Railroad Retirement Account if there are insufficient funds in the unemployment account to pay benefits to unemployed rail workers. This authority expires after November 14, 1985. Public Law 99-107 extended this authority through November 14, 1985, from the prior September 30, 1985 expiration.

Reasons for change

About 40,000 unemployed rail workers are currently receiving unemployment and sickness benefits payable from the unemployment account. If the account were to be depleted, benefits to these workers would cease if the account could not borrow. The Railroad Retirement Board has developed a contingency plan to reduce unemployment benefits by \$25 a week in the event that reserves in the unemployment account are substantially reduced. The Board initially intended to implement the reduction in benefits on October 1, 1985, but has suspended implementation of the plan because account balances appear sufficient to pay full benefits at the present time.

The borrowing authority is permanently extended in both H.R. 3129, passed by the House on October 31, 1985, and in the reconciliation bill approved on September 20, 1985, by the Senate Committee on Finance (and currently being considered by the Senate).

A temporary extension of the borrowing authority will provide certainty that full unemployment benefits will be paid to unemployed rail workers.

Explanation of provision

The bill extends the authority for the Railroad Unemployment Account to borrow from the Railroad Retirement Account through December 14, 1985.

4. Temporary Extension of Medicare Hospital and Physician Payment Provisions

a. Maintaining existing hospital payment

Present law

Present law provides that the Medicare prospective payment rates should be updated annually by the Secretary of Health and Human Services. Regulations implementing

the revised rates are required to be published September 1, for implementation October 1 of each year. The law states that the update should reflect increases in hospital input prices but, for FY 1986, may not exceed the rate of increase in the hospital market basket plus one quarter of a percentage point. These regulations also implement other adjustments to the prospective payment system such as wage index adjustments, revisions of the weights assigned to the diagnosis related groups (DRGs), etc.

Public Law 99-107 extended the prior Medicare payment rates for hospitals for a 45-day period, October 1-November 14, 1985.

Reasons for change

The Committee on Ways and Means and the House have already approved legislation (H.R. 3128, the Deficit Reduction Amendments of 1985) that would make significant changes in the PPS and PPS-exempt hospital payment rates. The Senate Committee on Finance has approved different legislation. The Committee on Ways and Means believes that another temporary extension of the freeze on payment rates at the September 30, 1985 level, will minimize confusion and simplify the administration of the Medicare program until permanent action can be taken in the budget reconciliation legislation, now before the Senate.

Explanation of provision

The bill retains, for an additional 30 days, the current Medicare payment rates for hospitals under section 1886 of the Social Security Act. The provision applies both to prospective payment (PPS) hospitals and to PPS-exempt hospitals.

Regulations prepared pursuant to current law for fiscal year 1986 would not be implemented. Hospital payment rates would therefore be frozen at the September 30, 1985 levels, for an additional 30-day period (through December 14, 1985). Implementation of a new wage index would be deferred, and the proportions of the hospital-specific and Federal DRG would be deferred, and the proportions of the hospital-specific and Federal DRG components in the prospective payments amounts would remain at the fiscal year 1985 levels during the 30-day period.

b. Maintaining existing payment rates for physicians' services

Present law

Medicare pays for physician services on the basis of Medicare-determined "reasonable charges." Reasonable charges are the lowest of: (1) a physician's billed charge; (2) the charge customarily made by an individual physician; or (3) the prevailing charge limit, derived from charges made by all physicians for services in a geographic area. The customary and prevailing charge screens are generally updated annually, on October 1. Increases in the prevailing charge levels are limited by an economic index that reflects general inflation and changes in physicians' office practice costs.

Under the Deficit Reduction Act of 1984 (P.L. 98-369) the Medicare customary and prevailing charges for all physicians' services provided during the 15-month period beginning July 1, 1984, are frozen at the levels that applied for the 12-month period ending June 30, 1984. The actual charges of nonparticipating physicians are also frozen during the 15-month period, at the levels they charged during April-June 1984.

The Deficit Reduction Act also instituted a Medicare participating physician and supplier program. Participating physicians and suppliers voluntarily agree to accept assign-

ment on all Medicare claims for the 12-month period beginning on October 1 of a year. Nonparticipating physicians and suppliers can decide on a claim-by-claim basis whether or not to accept assignment.

Public Law 99-107 extended the prior law level for Medicare payments and for nonparticipating physicians' charges to beneficiaries from October 1, 1985 through November 14, 1985.

Reasons for change

A continuation of the freeze on Medicare payment rates for physicians' services is intended to prevent confusion that may ensue from lifting the freeze, given the likelihood that the Congress will pass legislation in the very near future to extend the freeze on Medicare payments to nonparticipating physicians and on their actual charges to beneficiaries.

Without the extension, the freeze on nonparticipating physicians would increase their charges to beneficiaries. The committee is especially concerned that Medicare beneficiaries be protected from such increases in out-of-pocket costs.

Explanation of provision

The bill extends provisions of law now in effect (under P.L. 99-107) to provide for a further 30-day extension period (through December 14, 1985), during which Medicare payments would be made at the levels in effect on September 30, 1985. The freeze on nonparticipating physicians' actual charges to beneficiaries is also extended for the additional 30-day period.

The bill does not alter the duration of the physician participation agreements. Rather, the participation decisions physicians make for the year beginning October 1, 1985 determine whether they are participating or nonparticipating physicians for that year.

It is the committee's firm intention to provide in the conference committee on budget reconciliation for a second election period for physicians, so that they can decide once more to opt into, or out of, the participation program when the physician payment rules are finally determined in conference on H.R. 3128.

III. BUDGET EFFECTS

In compliance with clause 7 of Rule XIII of the Rules of the House of Representatives, the following statement is made concerning the effect on the budget of the bill (H.R. 3722).

From the Congressional Budget Office (CBO) baseline budget assumption, the bill will reduce the fiscal year budget deficit by \$294 million in 1986 and by \$27 million in 1987, as follows:

(In millions of dollars)

| | Deficit reduction | |
|---|-------------------|------------------|
| | Fiscal year 1986 | Fiscal year 1987 |
| Cigarette excise tax extension (net revenue increase) | 140 | |
| Medicare provisions: | | |
| (a) Hospital payments (outlay reduction) | 117 | |
| (b) Physician payments (outlay reduction) | 37 | 27 |
| Total deficit reduction | 294 | 27 |

The trade adjustment assistance and railroad unemployment borrowing authority provisions will have no fiscal year 1986 (or later year) budget effects in reference to the CBO baseline budget estimate.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 3722, which would provide emergency extensions—through December 14, 1985—of some important provisions of law that otherwise would expire.

Specifically, the bill would extend the 16-cent-per-pack cigarette excise tax, borrowing authority for the unemployment insurance account, Trade Adjustment Assistance Authority, and Medicare hospital and physician reimbursement rules. This is merely an extension of 31 days for these provisions. There are no policy changes involved.

Long-term extensions of these four provisions are included in H.R. 3128, passed by this body recently. Unfortunately, it will be impossible for a conference resolution on these items, with the other body, prior to the expiration dates. Therefore, this bill permits current law to run long enough to allow us to go to conference and reach an acceptable agreement. I strongly believe that this action is needed to prevent unnecessary loss of revenue, increased costs for Medicare, and unwarranted confusion and administrative disruption.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

PERMISSION TO CHANGE DISTRICT DAY FROM
NOVEMBER 11 TO NOVEMBER 18

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that District Day be observed under House rule XXIV, clause 8, on Monday, November 18, instead of Monday, November 11, because the House was not in session on November 11, Veterans Day, a legal holiday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 317, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 3038, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT- INDEPENDENT AGENCIES APPROPRIATION ACT, 1986

Mr. BOLAND. Mr. Speaker, pursuant to the order of the House of November 12, 1985, I call up the confer-

ence report on the bill (H.R. 3038) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1986, and for other purposes, and I ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Friday, November 8, 1985.)

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. BOLAND] will be recognized for 30 minutes and the gentleman from New York [Mr. GREEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. BOLAND].

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on conference report on H.R. 3038, as well as the Senate amendments reported in disagreement, and that I may include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring back to the House today the conference report on the 1986 HUD-independent agencies appropriations bill. I think I can say, without reservation, that in the 15 years that I have chaired this Appropriations Subcommittee, the 1986 bill has been the most difficult to fashion. Our problems have not been with the subcommittee in the other body, because in truth, working with the Senator from Utah, Senator GARN, is always a pleasure and a rewarding experience.

Our problems have been, as everyone in this body is fully aware, in trying to agree to a number that will be acceptable to the Senate and to the President.

□ 1130

In the waning days of the session we are faced with a great struggle, a struggle that in many ways we cannot

seem to come to grips with, and that is how we are going to fix the deficit. And, Mr. Speaker, until we fix that problem, either by raising taxes or by cutting spending, or a combination of the two, we are going to look at \$200-plus billion deficits each year for the next 3 or 4 years.

It is those facts that influenced the outcome of this appropriations bill. When the 1986 HUD-independent agencies bill left this body more than 3 months ago, it was well within the House-passed budget resolution, as interpreted by the House Budget Committee and the tentative 302(b) allocation of the House Appropriations Committee.

In fact, Mr. Speaker, we were assured by the leadership on the other side of the aisle, after \$1.5 billion had been cut from the assisted housing programs on this floor, that this bill had the approval of OMB and might very well have the approval of the administration.

As it turned out, those assurances were a little bit premature. What we found out was that when this bill passed the Senate, it was approximately \$700 million in outlays below the comparable House-passed bill. And all of a sudden, Mr. Speaker, that became the magic number.

What did this committee do? We went back to the Senate with a proposal that would have come within \$100 million of their outlay number, but that still was not good enough. So when we went to conference last Thursday, we took another \$100 million in outlays from a number of programs, including an extra \$53 million from revenue sharing, making that cut 8.3 percent.

So what we have before us today is a 1986 HUD-independent agencies appropriation bill which meets, to the dollar, the outlay ceiling imposed by the 302(b) allocation as defined by the other body. There is no sense in trying to hide that fact because that is the reality. Why did we do it? We did it because on balance every agency carried in this bill is better served by getting a bill through the House and through the other body and signed by the President.

Now, Mr. Speaker, I will not go into a great deal of detail on each and every account in this bill. The conference agreement and a table reflecting that agreement are printed in the RECORD. But let me assure my colleagues that what we did do in coming to this agreement was to protect these programs that we felt had the highest priority.

After the \$1.5 billion reduction in assisted housing was passed on this floor, the Senate cut it another \$1.2 billion. But we prevailed, and the conference agreement includes the House number of \$9.2 billion.

And that is not all. We have succeeded in protecting other critical programs in this bill.

We protected the EPA's operating programs at the higher numbers.

We protected the NASA programs and the National Science Foundation programs, and, Mr. Speaker, we have also protected both the VA medical construction program and the medical care program.

From the beginning of this year, this committee has fought long and hard to maintain 193,941 full-time equivalent employment in 172 VA hospitals and nursing homes. It has been a very difficult struggle. But I believe this agreement, when we combine it with anticipated carryovers and some selected savings, will maintain that 193,941 FTE through fiscal year 1986.

Mr. Speaker, on pages 37 and 38 of the House report is a statement concerning the emergency planning process for nuclear facilities. In conference the Senate conferees asked that the statement of the managers reflect agreement with the House report language on this subject. By action of the committee of conference, that language was to be included in the statement of the managers on amendment No. 53. In assembling the statement of the managers, the agreement with the House report language was inadvertently omitted. Thus the statement of the managers is in error. I want the record to show that the committee of conference did agree with the House report language on this subject.

I would also note that it was that part of the agreement that Senator D'AMATO excepted to on Senate amendment numbered 53.

Mr. Speaker, I will insert the text of the House report language that the committee of conference agreed to at this point:

As indicated in its reports for the previous two years, the Committee is concerned that the emergency planning process for nuclear

facilities may unnecessarily delay the operation of new facilities, threaten continued operation of currently licensed plants and involve unnecessary expenditure of Federal funds and personnel time by FEMA. In particular, the Committee is concerned about situations where State or local government entities arbitrarily refuse to develop radiological emergency preparedness plans or to participate in the exercise or implementation of such plans. The Committee does not believe that the State and local government entities should be permitted to veto the operation of commercial nuclear facilities simply by refusing to participate in the preparation, exercise or implementation of such plans.

It is the Committee's desire that FEMA explore all alternatives for establishing adequate offsite preparedness at commercial nuclear facilities in the event that State and local governments do not participate in the preparation, exercise or implementation of radiological preparedness plans. In that regard, it is still the Committee's intention that, in its review of such plans, FEMA should presume that Federal, State and local governments will abide by their legal duties to protect public health and safety in an actual emergency. The Committee expects that States and localities will fulfill their responsibility to carry out critical aspects of the emergency planning process and will take the necessary steps to be able to implement the resulting plan if an emergency occurs. However, where State or local participation in the exercise or implementation of offsite plans is inadequate, the Committee intends for FEMA, as a last resort, to coordinate the supplemental assistance of Federal agencies that are expected to provide requisite resources within their authorities. The Committee believes it is clear that FEMA has the authority to perform that function and intends that such authority should be exercised where necessary for an effective emergency response.

Now, Mr. Speaker, let me discuss for just a minute the issue of revenue sharing. I know that when I stood in this well just 3 months ago, I gave a commitment that if the budget resolution assumed the full funding for revenue sharing in fiscal year 1986, we would agree to the full \$4,566,700,000 in the 1986 appropriations bill.

The fact is that we did not do that, but I want to add quickly that we did not do it for a number of very good reasons.

The first reason is that the Senate did not include full funding for revenue sharing. Why did they not include full funding? The answer is simple. There would never have been a bill without making some reduction in revenue sharing.

When we had to find that last \$100 million in outlays, we took \$53 million of it, as I said earlier, from revenue sharing. Why was this done? Because we felt it was important to get this bill passed and signed. If this bill went into the continuing resolution at the traditional rate of the lower of the House or Senate number for every account, then the cut in revenue sharing would not be 8.3 percent; it would be the full 25 percent that passed this House in July.

So the simple answer is that I felt it was better to take the 8.3-percent cut than the 25-percent cut when this bill left the House.

Mr. Speaker, given the budget climate around here, given the priorities of the other body, which sometimes are different, I think we have done the best job we could possibly do. This is not what I would have wanted if I could have had every issue the way I wanted it. But it is the best we could do, and I think when we look at all the ramifications of the budget process and we reflect on those ramifications, it would be in everybody's best interest to vote in favor of this conference report.

Mr. Speaker, I will include in my remarks at this point a table comparing the conference agreement with the amounts appropriated for 1985, the budget estimates and the actions of the House and the Senate:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

| | Fiscal year 1985 enacted | Fiscal year 1986 estimates | House | Senate | Conference | Conference compared with— | | | |
|---|-----------------------------|-------------------------------|---------------|---------------|---------------|---------------------------|----------------|---------------|----------------|
| | | | | | | Enacted | Estimates | House | Senate |
| TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT | | | | | | | | | |
| Housing Programs | | | | | | | | | |
| Annual contributions for assisted housing (contract authority) | 10,759,482,775 | 499,000,000 | 9,200,902,781 | 8,108,355,781 | 9,965,607,781 | —783,874,994 | +9,466,607,781 | +764,705,000 | +1,857,252,000 |
| (Rescission of assisted housing deobligations) | —1,292,000,000 | —859,000,000 | —859,000,000 | —710,650,000 | —859,000,000 | +433,000,000 | | | —148,350,000 |
| Annual contributions for assisted housing (net) | 9,467,482,775 | —360,000,000 | 8,341,902,781 | 7,397,705,781 | 9,106,607,781 | —360,874,994 | +9,466,607,781 | +764,705,000 | +1,708,902,000 |
| (Increased limitation for annual contract author- ity) | (847,524,808) | (356,445,540) | (756,897,547) | (862,597,440) | (838,803,547) | (—8,721,261) | (+482,358,007) | (+81,906,000) | (—23,793,893) |
| (Rescission of assisted housing deobligations annual contract authority) | (—34,675,000) | (—33,611,000) | (—33,611,000) | (—33,611,000) | (—33,611,000) | (+1,064,000) | | | |
| (Increased limitation for annual contract authority (net) | (812,849,808) | (322,834,540) | (723,286,547) | (828,986,440) | (805,192,547) | (—7,657,261) | (+482,358,007) | (+81,906,000) | (—23,793,893) |
| Rent supplement (rescission of contract authority, indefinite) | (—1,597,882,000) | | | | | (+1,597,882,000) | | | |
| (Limitation on annual contract authority, indefi- nite) | (—72,631,000) | | | | | (+72,631,000) | | | |
| Rental housing assistance (rescission of contract au- thority, indefinite) | —598,000,000 | —56,000,000 | —56,000,000 | —55,384,000 | —56,000,000 | +542,000,000 | | | —616,000 |
| (Limitation on annual contract authority, indefi- nite) | (—27,698,000) | (—2,000,000) | (—2,000,000) | (—1,978,000) | (—2,000,000) | (+25,698,000) | | | (—22,000) |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

| | Fiscal year 1985 enacted | Fiscal year 1986 estimates | House | Senate | Conference | Conference compared with— | | | |
|---|-----------------------------|-------------------------------|------------------|------------------|------------------|---------------------------|------------------|------------------|----------------|
| | | | | | | Enacted | Estimates | House | Senate |
| Housing for the elderly or handicapped fund (authority to borrow, indefinite) | 564,428,000 | 19,929,000 | 601,133,000 | 594,191,637 | 601,133,000 | +36,705,000 | +581,204,000 | | (+6,941,363) |
| (Limitation on direct loans) | (600,000,000) | (50,000,000) | (631,033,000) | (624,091,637) | (631,033,000) | (+31,033,000) | (+581,033,000) | | (+6,941,363) |
| Congregate services | 4,144,000 | | 2,700,000 | 2,670,300 | 2,670,300 | —1,473,700 | +2,670,300 | —29,700 | |
| Payments for operation of low-income housing projects | 1,138,500,000 | 1,010,600,000 | 1,210,600,000 | 1,226,953,400 | 1,210,600,000 | +72,100,000 | +200,000,000 | | —16,353,400 |
| Housing counseling assistance | 3,500,000 | | 4,000,000 | 3,461,500 | 3,461,500 | —38,500 | +3,461,500 | —538,500 | |
| Federal Housing Administration Fund | 387,683,000 | 239,762,000 | 239,762,000 | 239,762,000 | 239,762,000 | —147,921,000 | | | |
| Portion applied to debt reduction | —215,000,000 | —155,375,000 | —155,375,000 | —155,375,000 | —155,375,000 | +59,625,000 | | | |
| (Limitation on guaranteed loans) | (50,900,000,000) | (50,900,000,000) | (50,900,000,000) | (59,340,000,000) | (60,000,000,000) | (+9,100,000,000) | (+9,100,000,000) | (+9,100,000,000) | (+660,000,000) |
| Temporary mortgage assistance payments (limitation on direct loans) | (65,448,000) | (89,222,000) | (89,222,000) | (88,240,558) | (88,240,558) | (+22,792,558) | (—981,442) | (—981,442) | |
| Total, Federal Housing Administration Fund | 172,683,000 | 84,387,000 | 84,387,000 | 84,387,000 | 84,387,000 | —88,296,000 | | | |
| Nonprofit sponsor assistance (limitation on direct loans) | (1,880,000) | (500,000) | (500,000) | (989,000) | (1,000,000) | (—880,000) | (+500,000) | (+500,000) | (+11,000) |
| Government National Mortgage Association | | | | | | | | | |
| Payment of participation sales insufficiencies | 745,000 | | | | | —745,000 | | | |
| Guarantees of mortgage-backed securities (limitation on guaranteed loans) | (68,250,000,000) | (68,250,000,000) | (68,250,000,000) | (67,499,250,000) | (68,250,000,000) | | | | (+750,750,000) |
| Total, Housing Programs | 10,753,482,775 | 698,916,000 | 10,188,722,781 | 9,253,985,618 | 10,952,859,581 | +199,376,806 | +10,253,943,581 | +764,136,800 | +1,698,873,963 |
| SOLAR ENERGY AND ENERGY CONSERVATION BANK | | | | | | | | | |
| Assistance for solar and conservation improvements | 15,000,000 | | 20,000,000 | | | —15,000,000 | | —20,000,000 | |
| COMMUNITY PLANNING AND DEVELOPMENT | | | | | | | | | |
| Community development grants | 3,472,000,000 | 3,124,800,000 | 3,124,800,000 | 2,991,527,200 | 3,124,800,000 | —347,200,000 | | | +133,272,800 |
| (Limitation on guaranteed loans) | (225,000,000) | | (225,000,000) | (222,525,000) | (222,525,000) | (—2,475,000) | (222,525,000) | (—2,475,000) | |
| Urban development action grants | 440,000,000 | | 330,000,000 | 348,128,000 | 330,000,000 | +330,000,000 | +330,000,000 | | —18,128,000 |
| Urban homesteading | 12,000,000 | 12,000,000 | 12,000,000 | 11,868,000 | 11,868,000 | —132,000 | —132,000 | —132,000 | |
| Neighborhood development demonstration | | | | 1,978,000 | | | | | —1,978,000 |
| Total, Community Planning and Development | 3,924,000,000 | 3,136,800,000 | 3,466,800,000 | 3,353,501,200 | 3,466,668,000 | —457,332,000 | +329,868,000 | —132,000 | 113,166,800 |
| POLICY DEVELOPMENT AND RESEARCH | | | | | | | | | |
| Research and technology | 16,900,000 | 18,900,000 | 16,900,000 | 18,692,100 | 16,900,000 | | —2,000,000 | | —1,792,100 |
| FAIR HOUSING AND EQUAL OPPORTUNITY | | | | | | | | | |
| Fair Housing assistance | 6,700,000 | 5,000,000 | 6,700,000 | 6,626,300 | 6,626,300 | —73,700 | +1,626,300 | —73,700 | |
| Fair housing initiatives | | (10,000,000) | | | | | (—10,000,000) | | |
| Total, Fair Housing and Equal Opportunity | 6,700,000 | 5,000,000 | 6,700,000 | 6,626,300 | 6,626,300 | —73,700 | +1,626,300 | —73,700 | |
| MANAGEMENT AND ADMINISTRATION | | | | | | | | | |
| Salaries and expenses | 288,316,000 | 324,027,000 | 341,427,000 | 318,774,480 | 336,427,000 | +48,111,000 | +12,400,000 | —5,000,000 | +17,652,520 |
| (By transfer, limitation on FHA corporate funds) | (288,797,000) | (242,404,000) | (251,404,000) | (251,567,974) | (251,404,000) | (—37,393,000) | (+9,000,000) | | (—163,974) |
| Total, title I, Department of Housing and Urban Development | | | | | | | | | |
| New budget (obligational) authority | 15,004,398,775 | 4,183,643,000 | 14,040,549,781 | 12,951,579,698 | 14,779,480,881 | —224,917,894 | +10,595,837,881 | +738,931,100 | +1,827,901,183 |
| Appropriations | 5,785,488,000 | 4,735,089,000 | 5,308,889,000 | 5,170,441,280 | 5,283,115,100 | —502,372,900 | +548,026,100 | —25,773,900 | +112,673,820 |
| Portion applied to debt reduction | —215,000,000 | —155,375,000 | —155,375,000 | —155,375,000 | —155,375,000 | +59,625,000 | | | |
| Contract authority | 10,759,482,775 | 499,000,000 | 9,200,902,781 | 8,108,355,781 | 9,965,607,781 | +993,874,994 | +9,466,607,781 | +764,705,000 | +1,857,252,000 |
| Rescission of contract authority, indefinite | —1,890,000,000 | —915,000,000 | —915,000,000 | —766,034,000 | —915,000,000 | +975,000,000 | | | —148,966,000 |
| Authority to borrow | 564,428,000 | 19,929,000 | 601,133,000 | 594,191,637 | 601,133,000 | +36,705,000 | +581,204,000 | | +6,941,363 |
| (Increased limitation for annual contract authority) | (847,524,808) | (356,445,540) | (756,897,547) | (862,597,440) | (838,803,547) | (—8,721,261) | (+482,358,007) | (+81,906,000) | (—23,793,893) |
| (Limitation on annual contract authority, indefinite) | (—100,329,000) | (—2,000,000) | (—2,000,000) | (—1,978,000) | (—2,000,000) | (+98,329,000) | | | (—22,000) |
| (Limitation on direct loans) | (667,328,000) | (139,722,000) | (720,755,000) | (713,321,195) | (720,273,558) | (+52,945,558) | (+580,551,558) | (—481,442) | (+6,952,363) |
| (Limitation on corporate funds to be expended) | (288,797,000) | (242,404,000) | (251,404,000) | (251,567,974) | (251,404,000) | (—37,393,000) | (+9,000,000) | | (—163,974) |
| TITLE II—INDEPENDENT AGENCIES | | | | | | | | | |
| AMERICAN BATTLE MONUMENTS COMMISSION | | | | | | | | | |
| Salaries and expenses | 11,065,000 | 11,004,000 | 10,954,000 | 10,833,506 | 10,833,506 | —231,494 | —170,494 | —120,494 | |
| CONSUMER PRODUCT SAFETY COMMISSION | | | | | | | | | |
| Salaries and expenses | 36,500,000 | 34,575,000 | 37,000,000 | 34,516,100 | 36,000,000 | —500,000 | +1,425,000 | —1,000,000 | +1,483,900 |
| DEPARTMENT OF DEFENSE—CIVIL | | | | | | | | | |
| Cemeterial Expenses, Army | | | | | | | | | |
| Salaries and expenses | 7,812,000 | 14,932,000 | 7,759,000 | 14,615,442 | 14,615,442 | +6,803,442 | —316,558 | +6,856,442 | |
| ENVIRONMENTAL PROTECTION AGENCY | | | | | | | | | |
| Salaries and expenses | 665,698,000 | 670,416,000 | 690,176,000 | 670,913,864 | 684,176,000 | +18,478,000 | +13,760,000 | —6,000,000 | +13,282,136 |
| Research and development | 188,875,000 | 212,400,000 | 223,400,000 | 216,343,750 | 223,400,000 | +34,525,000 | +11,000,000 | | +7,056,250 |
| Abatement, control and compliance | 480,500,000 | 495,500,000 | 577,600,000 | 566,301,400 | 577,600,000 | +97,100,000 | +82,100,000 | | +11,298,600 |
| Buildings and facilities | 12,500,000 | 5,000,000 | 5,000,000 | 4,945,000 | 5,000,000 | —7,500,000 | | | +55,000 |
| Subtotal, operating programs | 1,347,573,000 | 1,383,316,000 | 1,496,176,000 | 1,458,504,014 | 1,490,176,000 | +142,603,000 | +106,860,000 | —6,000,000 | +31,671,986 |
| Payment to the hazardous substance response trust fund | 44,000,000 | | | | | —44,000,000 | | | |
| Hazardous substance response trust fund | 620,000,000 | 900,000,000 | | 1,186,800,000 | 900,000,000 | +280,000,000 | | +900,000,000 | —286,800,000 |
| Construction grants | (2,400,000,000) | (2,400,000,000) | Deferred | Deferred | Deferred | Deferred | Deferred | Deferred | Deferred |
| Total, Environmental Protection Agency | 2,011,573,000 | 2,283,316,000 | 1,496,176,000 | 2,645,304,014 | 2,390,176,000 | +378,603,000 | +106,860,000 | +894,000,000 | —255,128,014 |
| EXECUTIVE OFFICE OF THE PRESIDENT | | | | | | | | | |
| Council on Environmental Quality and Office of Environmental Quality | 700,000 | 732,000 | 700,000 | 723,948 | 700,000 | | —32,000 | | —23,948 |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

| | Fiscal year 1985 enacted | Fiscal year 1986 estimates | House | Senate | Conference | Conference compared with— | | | |
|--|-----------------------------|-------------------------------|----------------|----------------|----------------|---------------------------|----------------|----------------|--------------|
| | | | | | | Enacted | Estimates | House | Senate |
| Office of Science and Technology Policy | 2,334,000 | 2,153,000 | 2,343,000 | 2,317,227 | 2,317,227 | -16,773 | +164,227 | -25,773 | |
| Total, Executive Office of the President | 3,034,000 | 2,885,000 | 3,043,000 | 3,041,175 | 3,017,227 | -16,773 | +132,227 | -25,773 | -23,948 |
| FEDERAL EMERGENCY MANAGEMENT AGENCY | | | | | | | | | |
| Disaster relief | 100,000,000 | 194,000,000 | 194,000,000 | 118,680,000 | 100,000,000 | | -94,000,000 | -94,000,000 | -18,680,000 |
| Salaries and expenses | 129,363,000 | 119,031,000 | 118,746,000 | 110,768,000 | 114,746,000 | -14,617,000 | -4,285,000 | -4,000,000 | +3,978,000 |
| Emergency management planning and assistance | 329,932,000 | 232,362,000 | 248,910,000 | 268,198,998 | 248,910,000 | -81,022,000 | +15,548,000 | | -19,288,998 |
| National flood insurance fund | 200,205,000 | 92,852,000 | 92,852,000 | 91,830,628 | 91,830,628 | -108,374,372 | +1,021,372 | -1,021,372 | |
| Portion applied to debt reduction | -200,205,000 | -92,852,000 | -92,852,000 | -91,830,628 | -91,830,628 | +108,374,372 | +1,021,372 | +1,021,372 | |
| National insurance development fund | | | | (9,890,000) | (9,890,000) | (+10,000,000) | (+10,000,000) | (+10,000,000) | (+110,000) |
| Emergency food and shelter program | 20,000,000 | | 70,000,000 | 74,175,000 | 70,000,000 | +50,000,000 | +70,000,000 | | -4,175,000 |
| Total, Federal Emergency Management Agency | 579,295,000 | 545,393,000 | 631,656,000 | 571,821,998 | 533,656,000 | -45,639,000 | -11,737,000 | -98,000,000 | -38,165,998 |
| GENERAL SERVICES ADMINISTRATION | | | | | | | | | |
| Consumer Information Center | 1,086,000 | 1,249,000 | 1,249,000 | 1,235,261 | 1,235,261 | +149,261 | -13,739 | -13,739 | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | | | | | |
| Office of Consumer Affairs | 2,096,000 | 1,988,000 | 1,988,000 | 2,005,692 | 1,988,000 | -108,000 | | | -17,692 |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | | | | | | |
| Research and development | 2,462,600,000 | 2,881,800,000 | 2,756,800,000 | 2,745,266,200 | 2,756,800,000 | +294,200,000 | -125,000,000 | | +11,533,800 |
| Space flight, control and data communications | 3,601,800,000 | 3,509,900,000 | 3,402,900,000 | 3,345,688,100 | 3,397,900,000 | -203,900,000 | -112,000,000 | -5,000,000 | +52,211,900 |
| Construction of facilities | 150,000,000 | 149,300,000 | 139,300,000 | 139,745,700 | 139,300,000 | -10,700,000 | -10,000,000 | | -445,700 |
| Research and program management | 1,332,300,000 | 1,387,000,000 | 1,367,000,000 | 1,340,095,000 | 1,362,000,000 | +29,700,000 | -25,000,000 | -5,000,000 | +21,905,000 |
| Total, National Aeronautics and Space Administration | 7,546,700,000 | 7,928,000,000 | 7,666,000,000 | 7,570,795,000 | 7,656,000,000 | +109,300,000 | -272,000,000 | -10,000,000 | +85,205,000 |
| NATIONAL CREDIT UNION ADMINISTRATION | | | | | | | | | |
| Central liquidity facility: (Limitation on direct loans) | (600,000,000) | (600,000,000) | (600,000,000) | (593,400,000) | (593,400,000) | (-6,600,000) | (-6,600,000) | (-6,600,000) | |
| (Limitation on administrative expenses: corporate funds) | (850,000) | (850,000) | (850,000) | (840,650) | (840,650) | (-9,350) | (-9,350) | (-9,350) | |
| NATIONAL SCIENCE FOUNDATION | | | | | | | | | |
| Research and related activities | 1,301,012,000 | 1,399,593,000 | 1,347,205,000 | 1,346,029,000 | 1,352,205,000 | +51,193,000 | -47,388,000 | +5,000,000 | +6,176,000 |
| Program development and management (limitation on administrative expenses) | (71,972,000) | (69,900,000) | (71,743,000) | (72,197,000) | (72,500,000) | (+528,000) | (+2,600,000) | (+757,000) | (+303,000) |
| United States Antarctic Program activities | 110,830,000 | 120,100,000 | 115,100,000 | 111,855,900 | 115,100,000 | +4,270,000 | -5,000,000 | | +3,244,100 |
| Science education activities | 87,000,000 | 50,550,000 | 60,550,000 | 49,993,950 | 55,550,000 | -31,450,000 | +5,000,000 | -5,000,000 | +5,556,050 |
| Scientific activities overseas (special foreign currency program) | 2,800,000 | 1,000,000 | 1,000,000 | 989,000 | 1,000,000 | -1,800,000 | | | +11,000 |
| Total, National Science Foundation | 1,501,642,000 | 1,571,243,000 | 1,523,855,000 | 1,508,867,850 | 1,523,855,000 | +22,213,000 | -47,388,000 | | +14,987,150 |
| NEIGHBORHOOD REINVESTMENT CORPORATION | | | | | | | | | |
| Payment to the Neighborhood Reinvestment Corporation | 15,512,000 | 14,669,000 | 17,669,000 | 16,485,641 | 17,669,000 | +2,157,000 | +3,000,000 | | +1,183,359 |
| SELECTIVE SERVICE SYSTEM | | | | | | | | | |
| Salaries and expenses | 27,780,000 | 27,664,000 | 27,780,000 | 27,780,000 | 27,474,420 | -305,580 | -189,580 | -305,580 | -305,580 |
| DEPARTMENT OF THE TREASURY | | | | | | | | | |
| Payments to Local Government Fiscal Assistance Trust Fund | 4,566,700,000 | 4,566,700,000 | 3,425,025,000 | 4,237,897,600 | 4,185,000,000 | -381,700,000 | -381,700,000 | +759,975,000 | -52,897,600 |
| Office of Revenue Sharing, salaries and expenses | 7,841,000 | 8,000,000 | 8,000,000 | 7,714,200 | 7,714,200 | -126,800 | -285,800 | -285,800 | |
| Financing public housing | 300,000,000 | | | | | -300,000,000 | | | |
| Total, Department of the Treasury | 4,874,541,000 | 4,574,700,000 | 3,433,025,000 | 4,245,611,800 | 4,192,714,200 | -681,826,800 | -381,985,800 | +759,689,200 | -52,897,600 |
| VETERANS' ADMINISTRATION | | | | | | | | | |
| Compensation and pensions | 14,167,900,000 | 14,160,800,000 | 14,160,800,000 | 14,160,800,000 | 14,160,800,000 | -7,100,000 | | | |
| Readjustment benefits | 1,137,800,000 | 1,026,000,000 | 1,026,000,000 | 826,000,000 | 826,000,000 | -311,800,000 | -200,000,000 | -200,000,000 | |
| Veterans insurance and indemnities | 11,000,000 | 9,750,000 | 9,750,000 | 9,750,000 | 9,750,000 | -1,250,000 | | | |
| Medical care | 8,941,169,000 | 9,292,974,000 | 9,368,694,000 | 9,162,694,000 | 9,255,694,000 | +314,525,000 | -37,280,000 | -113,000,000 | +93,000,000 |
| Medical and prosthetic research | 192,695,000 | 191,370,000 | 195,840,000 | 189,264,930 | 189,264,930 | -3,430,070 | -2,105,070 | -6,575,070 | |
| Medical administration and miscellaneous operating expenses | 67,891,000 | 57,119,000 | 61,119,000 | 53,523,691 | 53,523,691 | -14,367,309 | -3,595,309 | -7,595,309 | |
| General operating expenses | 753,954,000 | 768,250,000 | 760,547,000 | 736,864,340 | 736,864,340 | -17,089,660 | -31,385,660 | -23,682,660 | |
| Construction, major projects | 568,194,000 | 417,200,000 | 516,160,000 | 481,247,400 | 507,360,000 | -60,834,000 | +90,160,000 | -8,800,000 | +26,112,600 |
| Construction, minor projects | 199,823,000 | 195,406,000 | 144,400,000 | 143,806,534 | 136,950,092 | -62,872,908 | -58,455,908 | -7,449,908 | -6,856,442 |
| (Limitation on administrative expenses) | (39,475,000) | (35,307,000) | (36,313,000) | (35,913,557) | (35,913,557) | (-3,561,443) | (+606,557) | (-399,443) | |
| Grants for construction of State extended care facilities | 34,500,000 | 22,000,000 | 22,000,000 | 21,758,000 | 21,758,000 | -12,742,000 | -242,000 | -242,000 | |
| Grants for construction of State veterans cemeteries | 5,000,000 | 3,000,000 | 3,000,000 | 2,967,000 | 2,967,000 | -2,033,000 | -33,000 | -33,000 | |
| Grants to the Republic of the Philippines | 500,000 | 500,000 | 500,000 | 494,500 | 494,500 | -5,500 | -5,500 | -5,500 | |
| Direct loan revolving fund (limitation on direct loans) | (1,000,000) | | (1,000,000) | (989,000) | (989,000) | (-11,000) | (+989,000) | (-11,000) | |
| Loan guaranty revolving fund | 306,600,000 | 404,600,000 | 235,000,000 | 200,000,000 | 200,000,000 | -106,600,000 | -204,600,000 | -35,000,000 | |
| Total, Veterans Administration | 26,387,026,000 | 26,548,969,000 | 26,503,810,000 | 25,989,170,395 | 26,101,426,553 | -285,599,447 | -447,542,447 | -402,383,447 | +112,256,158 |
| Total, title II, independent agencies: | | | | | | | | | |
| New budget (obligational) authority | 43,005,662,000 | 43,560,587,000 | 41,361,964,000 | 42,642,083,874 | 42,510,660,609 | -495,001,391 | -1,049,926,391 | +1,148,696,609 | -131,423,265 |
| Appropriations | 43,205,867,000 | 43,653,439,000 | 41,454,816,000 | 42,733,914,502 | 42,602,491,237 | -603,375,763 | -1,050,947,763 | +1,147,675,237 | -131,423,265 |
| Portion applied to debt reduction | -200,205,000 | -92,852,000 | -92,852,000 | -91,830,628 | -91,830,628 | +108,374,372 | +1,021,372 | +1,021,372 | |
| (Limitation on administrative expenses) | (111,447,000) | (105,207,000) | (108,056,000) | (108,413,557) | (108,413,557) | (-3,033,443) | (+3,206,557) | (+3,357,557) | (+303,000) |
| (Limitation on direct loans) | (601,000,000) | (600,000,000) | (601,000,000) | (594,389,000) | (594,389,000) | (-6,611,000) | (-5,611,000) | (-6,611,000) | |
| (Limitation on corporate funds to be expended) | (850,000) | (850,000) | (850,000) | (840,650) | (840,650) | (-9,350) | (-9,350) | (-9,350) | |

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

| | Fiscal year 1985 enacted | Fiscal year 1986 estimates | House | Senate | Conference | Conference compared with— | | | |
|---|-----------------------------|-------------------------------|-------------------|-------------------|-------------------|---------------------------|------------------|------------------|------------------|
| | | | | | | Enacted | Estimates | House | Senate |
| TITLE III—CORPORATIONS | | | | | | | | | |
| Federal Home Loan Bank Board: | | | | | | | | | |
| (Limitation on non-administrative expenses, corporate funds) | (43,184,000) | (45,032,000) | | | | (-43,184,000) | (-45,032,000) | | |
| (Limitation on administrative expenses, corporate funds) | (25,491,000) | (25,877,000) | (26,213,000) | (26,581,353) | (26,877,000) | (+1,386,000) | (+1,000,000) | (+664,000) | (+295,647) |
| Federal Savings and Loan Insurance Corporation, (limitation on administrative expenses, corporate funds) | (1,343,000) | (1,440,000) | (1,404,000) | (1,424,160) | (1,440,000) | (+97,000) | | (+36,000) | (+15,840) |
| Total, title III, Corporations | (70,018,000) | (72,349,000) | (27,617,000) | (28,005,513) | (28,317,000) | (-41,701,000) | (-44,032,000) | (+700,000) | (+311,487) |
| RECAPITULATION | | | | | | | | | |
| Grand total: | | | | | | | | | |
| New budget (obligational) authority | 58,010,060,775 | 47,744,230,000 | 55,402,513,781 | 55,593,663,572 | 57,290,141,490 | -719,919,285 | +9,545,911,490 | +1,887,627,709 | +1,696,477,918 |
| Appropriations | 48,991,355,000 | 48,388,528,000 | 46,763,705,000 | 47,904,355,782 | 47,885,606,337 | -1,105,748,663 | -502,921,663 | +1,121,901,337 | -18,749,445 |
| Portion applied to debt reduction | -415,205,000 | -248,227,000 | -248,227,000 | -247,205,628 | -247,205,628 | +167,999,372 | +1,021,372 | +1,021,372 | |
| Contract authority | 10,759,482,775 | 499,000,000 | 9,200,902,781 | 8,108,355,781 | 9,965,607,781 | -793,874,994 | +9,466,607,781 | +764,705,000 | +1,857,252,000 |
| Recession of contract authority, indefinite | -1,890,000,000 | -915,000,000 | -915,000,000 | -766,034,000 | -915,000,000 | +975,000,000 | | | -148,966,000 |
| Authority to borrow | 564,428,000 | 19,929,000 | 601,133,000 | 594,191,637 | 601,133,000 | +36,705,000 | +581,204,000 | | +6,941,363 |
| (Increased limitation for annual contract authority) | (847,524,808) | (356,445,540) | (756,897,547) | (862,597,440) | (838,803,547) | (-8,721,261) | (+482,358,007) | (+81,906,000) | (-23,793,893) |
| (Limitation on administrative expenses) | (111,447,000) | (105,207,000) | (108,056,000) | (108,110,557) | (108,413,557) | (-3,033,443) | (+3,206,557) | (+357,557) | (+303,000) |
| (Limitation on annual contract authority, indefinite) | (-100,329,000) | (-2,000,000) | (-2,000,000) | (-1,978,000) | (-2,000,000) | (+98,329,000) | | | (-22,000) |
| (Limitation on direct loans) | (1,268,328,000) | (739,722,000) | (1,321,755,000) | (1,307,710,195) | (1,314,662,558) | (+46,334,558) | (+574,940,558) | (-7,092,442) | (+6,952,363) |
| (Limitation on guaranteed loans) | (119,375,000,000) | (119,150,000,000) | (119,375,000,000) | (127,061,775,000) | (128,472,525,000) | (+9,097,525,000) | (+9,322,525,000) | (+9,097,525,000) | (+1,410,750,000) |
| (Limitation on on corporate funds to be expended) | (359,665,000) | (315,603,000) | (279,871,000) | (280,414,137) | (280,561,650) | (-79,103,350) | (-35,041,350) | (+690,650) | (+147,513) |

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the distinguished chairman of the HUD-Independent Agencies Appropriations Subcommittee, the gentleman from Massachusetts [Mr. BOLAND], in presenting this conference report to the House and asking for its approval.

First, let me confirm the statement of the gentleman from Massachusetts on the accidental omission from the conference report of the decision of the conferees to include in the conference report the House report language addressed to FEMA on the question of evacuation planning. The gentleman from Massachusetts has stated that situation accurately, and I join him in making the record clear.

Let me share with my colleagues the problems, as very well outlined by the gentleman from Massachusetts, that the conferees faced in this conference. Essentially, the conference was driven by the decision of the chairman of the Senate Budget Committee to fight very hard in the other body to preserve the outlay limitations under section 302 in the individual appropriation bills. This is a bill where outlay savings do not come easily. Most of the activities encompassed by this bill are of a kind where budget authority that is voted for a fiscal year does not outlay until future fiscal years. The necessity to find places where additional outlay savings could be accomplished weighed very heavily on us in the conference. Essentially, we were faced with the choice of bringing back a bill that would meet the Senate outlay requirements or, alternatively, having the bill held at the desk in the other body and then forcing this appropriation into the continuing resolution.

It was our view that it would be better to come back to the House with

this bill than to leave this appropriation to the perils of the continuing resolution. So that is what we have done. That has resulted in cuts which very much concern me in a number of the programs.

For example, I have been a supporter of general revenue sharing throughout my career in this House, and the cut that was necessary in that program is not one that I like to present to this House. But, like the distinguished chairman of the subcommittee, on balance, it is my feeling that we are better off to have this bill than to have no bill at all and to be dependent on what the continuing resolution may bring.

For those of my colleagues who are concerned as to the future of this bill when it reaches the President, let me say that in consultations by my staff with staff of the Office of Management and Budget this morning, my staff was assured that OMB had no objection to the bill in its present form. I must say that the history of this bill and a number of other measures this year indicates that that assurance is like the proverbial excursion ticket—good for this day, and this day only—but at least on this day, there is no objection from the administration to this bill. Therefore, it is my hope that if we pass the conference report, the bill will be acceptable to the President.

So, Mr. Speaker, I join the distinguished chairman of the full committee in urging my colleagues to adopt this conference report.

Mr. Speaker, I now yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1140

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate the hard work the conference committee did on this bill. However, the figures, I must say, leave me a little bit disturbed, and I am taking them strictly from the conference report that was distributed to the House.

As I read the conference report, what we have before us is a bill which is \$1.9 billion more than the bill that left the House of Representatives, and it is \$1.7 billion more than the bill that left the Senate. In other words, the conference has managed to take both the Senate bill and the House bill, go to conference and come out with a figure that is between \$1.5 billion and \$2 billion higher than either House passed.

Now, that does not sound to me as though it is something that this gentleman can get very enthusiastic about when we start talking about saving money around here. We are talking about appropriating levels that are higher than either the House or the Senate approved on the initial passage of this particular legislation.

Then I look at how much we are over—again the conference report—at how much we are over the administration. We are \$7.1 billion more than the administration originally requested in these same areas.

Now, I have got to say that I have disagreed from time to time with people on the other side of the aisle who have said that Ronald Reagan is a part of the deficit problem. Looking at this bill and hearing that the administration may in fact agree with this bill, I have to say Ronald Reagan is becoming a part of the deficit problem if he does not veto legislation which does this. This is \$7 billion more than he wanted to spend, \$1.9 billion more than the House wanted to spend, and

\$1.7 billion more than the Senate wanted to spend.

You know, it seems to me that somewhere along the line here, we have to come to the realization that we have met the big spenders and it is us, and it is right here in this conference report.

When I look down through some of the details, I find one of these things, for instance. I happen to serve on the authorization committee that deals with NASA. We have been dealing with an issue of whether or not the National Commission on Space should get \$400,000 more over the \$1 million that we have already allocated for them. In this conference report, we are authorizing that additional \$400,000.

I just last week asked for justification of that \$400,000, and found among other things that they had down in there for a 6-month period, if we annualize what they were going to do—and the chairman may be interested in these figures if he has not seen them—the documents, and the only documents they could provide to me, was that on an annualized basis that money was going to go for an \$80,000 secretary—I doubt the chairman has anyone in his office that is making \$80,000 for clerical work—and for two \$100,000-a-year, professional employees.

You know, I would suggest that that \$400,000 figure has not been scrubbed very well, and yet here it appears in this conference report where the spending levels are enormous.

So it seems to me that at the very least on that particular issue, we should have taken a closer look at it. Maybe the committee has better figures than I saw. I hope the committee does. If so, I would like to be told about them. But those were the figures that were presented to me.

I certainly find grave disagreement with the fact that this bill exceeds both the House-passed figure and the Senate-passed figure.

Mr. Speaker, I will yield to anyone who can tell me what that \$400,000 is going to be spent for, for the Commission on Space.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I think the gentleman is making a fine statement. I wish I could agree with him on the \$400,000 item with respect to the National Space Commission.

Actually, that was originally authorized by the Committee on Science and Technology.

Mr. WALKER. Well, I am on the subcommittee, I am the ranking member. We have passed no authorization at all for the \$400,000. We are looking at the situation right now, but the fact is that when I asked for justifi-

cation of those figures, \$200,000 of the money was one \$80,000 secretary and two \$100,000 a year annualized—now, those were annualized figures—two \$100,000 a year professional employees, and I think that is an outrage.

Mr. BOLAND. Mr. Speaker, if the gentleman will yield further, the original request from the Commission was for \$800,000—and subsequently it was suggested to us that the House Committee on Science and Technology would like to see at least \$500,000 for the Commission.

Mr. WALKER. Mr. Speaker, if the gentleman will let me reclaim my time, I do not think, at least we did not hear from this gentleman requesting \$800,000. It would be interesting to know who it was the gentleman heard from asking for \$800,000, because it is my understanding that we were involved in good faith negotiations that had lowered the figure from the original request for the National Commission on Space from \$800,000 down to \$400,000 and then I even raised questions about the \$400,000 and found some real questions there.

We simply cannot afford on some of these commissions to be paying \$100,000 a year annualized to employees or \$80,000 for a secretary.

I am glad to yield to the gentleman.

Mr. BOLAND. Well, let me say that the Senate's position in this area was \$500,000. I would think the gentleman would probably give us a little credit for reducing it by \$100,000.

I think the gentleman makes a good point on the expenditures this Commission is expected to make. I would hope that we will monitor it carefully over the next year and determine whether or not it ought to be continued.

Mr. WALKER. Mr. Speaker, if the gentleman will let me reclaim my time, the problem is, of course, this Commission is going to run out before we have a chance to do very much monitoring of it. It runs out in March or April of next year. That is the problem.

I mean, the money is going to get spent and we are going to have to look at it after the fact.

Does the committee have a line-by-line justification of what this \$400,000 of add-on spending to the \$1 million the Commission already had is going to be used for? I would love to see it, because what they showed to us the other day was simply unacceptable.

I am glad to yield further to the gentleman.

Mr. BOLAND. I must say that this committee does not have a great deal of specific detail with reference to the Commission itself. We are actually accepting the position of the Senate with an amendment reducing it to \$400,000.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

Let me just comment on why this conference report, as the gentleman from Pennsylvania has clearly indicated, is \$57,290,141,490, as compared to the Senate-passed level of \$55,593,663,572 and the House-passed bill of \$55,402,513,781.

The reason that the conference report is higher than either the House or the Senate, and that is the complaint I am hearing here, is that the House bill deferred funding for Superfund and cut revenue sharing by 25 percent, or \$1,141,675,000.

In the conference agreement, we added \$759,975,000 about the House level for revenue sharing, for a total of \$4,185 million.

We also included \$900 million for the Superfund account.

At the same time, the Senate accepted the higher House number for assisted housing of \$9.2 billion; hence the conference report is higher than both the House or the Senate bills.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. BONER].

Mr. BONER of Tennessee. Mr. Speaker, I rise in strong support of the conference report on H.R. 3038, the HUD-independent appropriations bill for fiscal year 1986.

As a conferee, I would like to state to my colleagues that the conference represents difficult funding choices between the many important programs that touch the lives of nearly every family in our Nation. I would like to commend our chairman, Ed BOLAND, and our ranking minority member, BILL GREEN, for leading the committee through the long and difficult conference process.

Let me highlight a number of the conference report provisions. The committee did an admirable job maintaining a high level of funding for both NASA and the Veterans' Administration. In particular, I believe the space and science programs of NASA will be able to continue on schedule, although equally difficult choices will have to be made next year, whether or not a Gramm-Rudman type of deficit reducing proposal is enacted. I know that it is the committee's intention to provide the highest level of funding for the Manned Space Station Program, a program which promises to be the launching pad to future space exploration as well as a laboratory platform for exciting and important scientific and commercial experiments. The conference report provides for \$205 million for space station, earmarking \$5 million for the continued research on automation and robotics. Automation and robotics, as my colleagues know, is a critical component to the successful operation of the manned space station. The conferees have also approved \$10

million in funding for the orbital maneuvering vehicle, which will retrieve satellites from high orbit and bring them to the station for maintenance and repair.

In addition, the conferees agreed to continue funding for a number of important satellite programs, including the advanced communications satellite [ACTS], which should address some of the problems of too few satellite slots in geosynchronous orbit, and the solar optical satellite.

Within the Veterans' Administration, the conferees have been able to agree to a level of funding sufficient to continue the high quality of medical care our veterans deserve. In addition, the conferees have provided funding for several new VA replacement hospitals, as well as the final funding necessary to complete a hospital project at Mountain Home in my own State of Tennessee.

Last, I would like to address some remarks to the conference report language on the authority of the Federal Emergency Management Agency to be involved in emergency planning around nuclear electrical generating facilities. The conferees voted to include the House report language reaffirming FEMA's authority to explore all alternatives for establishing adequate offsite preparedness at commercial nuclear facilities in the event that State and local governments do not participate in the preparation, exercise or implementation of emergency evacuation and radiological preparedness plans.

This issue certainly is a sensitive one for many of our citizens. Yet the safety of all Americans, in addition to those living adjacent to a commercial nuclear facility, is at stake. Inadequate emergency preparedness around these facilities can only lead to uncertainty, if not injury, in the event of some facility leak or other accident. Opponents of nuclear power are pressuring local and State officials to withdrawal from emergency preparedness plans in an effort to close currently operating nuclear facilities. Should their efforts succeed in persuading local and State officials to withdrawal, the lives of their fellow citizens will be jeopardized since the plant will not immediately close. In fact, until the Nuclear Regulatory Commission determines that emergency preparedness plans are inadequate, which is most likely discovered during an emergency drill required of nuclear licensees and local and State governments, the plant will continue to operate. Without a clear direction from the Congress that FEMA has the authority to intervene and participate in assuring the adequacy of emergency preparedness plans, nuclear opponents appear to be willing to put the lives of their neighbors in danger.

The conference report clarifies FEMA's authority and directs FEMA to exercise that authority in implementing emergency plans and coordinating the efforts of other Federal agencies to respond to any emergency. During debate in July on this bill, the statutory authorities for FEMA's participation were clearly stated. They are the Civil Defense Act of 1950 and the Disaster Relief Act of 1974, both of which directly, or by Presidential delegation, give FEMA the authority as well as obligation to intervene and compensate for inadequacies in our Nation's civil defense and disaster response programs. These authorities necessarily include responses to natural and man-made disasters, include nuclear power plant accidents.

This is clear under the specific language of the Disaster Relief Act, 42 U.S.C. 5131. This section authorizes FEMA, regardless of existing emergencies or disasters, to establish a program of disaster preparedness that utilizes the services of all agencies, including FEMA. The program is to include, among other things, "preparation of disaster preparedness plans for mitigation, warning, emergency operations * * * and recovery" and "training and exercise." The message could hardly be clearer. The authority is there and the conference report directs FEMA to exercise it.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN], a member of the committee.

Mr. COUGHLIN. Mr. Speaker, I want to compliment the distinguished chairman of the subcommittee, the gentleman from Massachusetts, as well as my colleague and friend, the gentleman from New York, the distinguished ranking minority member, for bringing this conference report to the floor, for bringing a good bill to the floor, one that all Members of the House can support and one that we believe can be signed into law. I think that is a real accomplishment in this day of very difficult times on appropriation bills.

Let me call attention to the fact that this bill indeed contains programs that are vital to every single community in the United States. It is really a community-based bill. If there was ever a bill that was a community-based bill, it is this bill, because it is important to your local governments, your State governments, and it brings to every single community, large and small in this country, very important programs that are of enormous importance to them. Whether it is the Community Block Grant Program or revenue sharing, even in its reduced form in this bill, whether it is all of our housing programs, whether it is the urban development action grant program

which has produced very good results in many communities, it affects every single community.

In addition, it affects our veterans, the veterans of the United States, the veterans of our wars, this bill protects them and provides for them both in veterans' hospitals, medical care, and all the veterans' benefits that are absolutely critical to our veterans and to the Members of this House.

So I urge as we look at the bill to support this bill because it is one that can be signed into law and a bill that I think merits very great support.

Mr. GREEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Speaker, I thank the gentleman from New York for yielding.

I have very serious reservations about this bill and about the spending posed in this bill. As the chairman of the committee has explained, the bill is over the House budget, or the House-passed bill, as I understand, by about \$1.7 billion.

In effect, as I understand the explanation, basically the majority of that increase or a significant proportion of that increase comes from the decision the conference made that revenue sharing should not be phased down as much as the House appropriations bill suggested that it should be.

Now, as I understood it, there was general agreement on both sides as we tried to get into this budget issue and the question of reducing the deficits which we confront here, that revenue sharing was one of the items that should be scaled back, if not eliminated.

In fact, I recall a statement from the Speaker of the House to the effect that it was very hard to justify revenue sharing, if I can paraphrase it, in a time when we have basically a debt. This is not revenue sharing. This is debt sharing.

As a practical matter, it is very hard for me, and I think for most Members of this House, to go back to our constituents and to justify our votes here as being fiscally responsible when we are continuing to fund the revenue sharing program at very high levels and we cannot even agree to maintain a reduction in funding as passed originally by the House. That reduction was not that dramatic, let us remember. It reduced it to \$3.4 billion, a program which was \$4.5 billion, a reduction of approximately a billion dollars, or 25 percent—not that hard, in my opinion, a decision. I would like to have seen it reduced significantly more at a time when we are running a \$200 billion deficit for which we are going to have to find some leveling of expenditures at the Federal level in order to address.

In general, it seems to me that what we have here is a bill that clearly does not meet the obligations which we as a House have to try to address the deficits of this country. We have been spending the last 2 weeks in the middle of what is almost a major national crisis and could be a national crisis if we do not pass a debt extension over the issue of how we are going to reduce the Federal debt, and yet at the same time we bring to the floor a bill which is \$1.7 billion over our own attempt to pass the legislation for appropriations in this area.

I would say that our original attempt in this area was not anywhere near, for example, what the President requested. In fact, it was \$7 billion over what the President requested.

So to pass this bill in the context when we are allegedly debating substantive deficit reductions in the form of Gramm-Rudman is in my opinion a bit of hypocrisy because clearly we are not saying that when it comes to the substance of passing legislation that we are going to make the tough decisions, but only when it is in the superficial aspect of debating of Gramm-Rudman that we are going to talk about reducing the deficit.

□ 1155

This is clearly not deficit reduction.

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

Let me respond very briefly. First, I think the Members should understand that this is, by any measure, a very tight bill. The bill is below the fiscal year 1985 appropriation by \$3,119,919,285, and I can only say that if we could do that in other areas of the Government, I think this House and the other body would have accomplished a great deal toward getting started on the path of deficit reduction.

I think this bill does very much start us on that path with that very significant cut from last year's spending levels. The bill is higher than when it left the House, without question, for two reasons: First, on the question of general revenue sharing, the budget resolution which this House and the other body adopted provided for full funding of general revenue sharing for the 1986 fiscal year and that, in a sense, put us in a position where we did to some degree have to recede to the Senate, which had a higher general revenue sharing figure than the House-passed bill had, the House-passed bill having eliminated the final quarter's payment under general revenue sharing.

The other major increase from the House-passed version of the bill is the decision to include funding for the Superfund, which was omitted from the House bill. We felt, however, that it was now time to address that issue, and we therefore have included \$900

million for the Superfund in the conference report.

So that is the explanation for why we come in higher than the original House bill. I repeat: We are over \$3 billion below the fiscal year 1985 bill, which I think reflects the very tight nature of this bill we are bringing you.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me say first of all that I think all of us in the House have to have some sense of sympathy for the conferees, who spent a very great deal of time in a highly technical and complicated area and produced a document which involves some \$57 billion in spending.

I wanted to take this time not to directly disagree with their work, but more to comment on what I think is a significant failure of leadership from the Reagan administration and from the White House in trying to organize where we are going.

We were in this very body yesterday voting on a veto of a National Institutes of Health bill which had passed this body overwhelmingly. We overrode the veto overwhelmingly. For the life of me, I have no idea why anyone in the White House would have suggested to the President that it made any sense to veto a National Institutes of Health bill.

We are now dealing with a bill which is of enormous complexity, which involves, I think, the classic process of the U.S. Congress in that it left this body at \$55,400 million, it left the other body at \$55,593 million, it then arrived through a conference at \$57,290 million, which is sort of classically the way we have acted, that is, over time we logroll, and this is an institution that goes back into the early 19th century and probably into the opening days of the first session of the First Congress.

That is the way legislative bodies operate. We accommodate each other. We are never going to control spending in this country without a strong, consistent, systematic leadership from the executive branch in favor of controlling spending.

There is something absurd about an executive branch which would have vetoed a National Institutes of Health bill and which would then turn around and accommodate this bill and send no clear sign to any Member of the Congress or to the general public or to the news media about what the standards of the Reagan administration are.

My concern is, as the gentleman from Pennsylvania earlier commented as the ranking Republican on the Space Subcommittee, I think there are things we desperately need. I favor a very strong effort on behalf of the

space station. I favor a strong effort on behalf of housing.

There are things we do not need. An extra \$400,000 for the Commission on Space, I suspect, is one of those minor extras. My only complaint is not with the gentlemen on the Committee on Appropriations, who work very hard, it is not with the Members of the other body which, as I think the chairman of this particular subcommittee reported, was not the primary problem.

My concern is that week in and week out, day in and day out, there is no systematic leadership in the executive branch, and I do not blame President Reagan. All of us understand that Ronald Reagan, personally, has been busily involved in getting ready for a summit with Gorbachev and that he has, personally, invested a considerable number of hours trying to understand what the Russian position will be and how to deal with it.

I will just close by saying that I would say very strongly to the President, if he is going to run an executive branch, he has to have a team that understands what he intends, and that team has to be systematic. Currently that team looks like a yoyo. Yesterday they are for a veto, today they are for passage, and tomorrow I assume they will be for a veto. It is impossible to have any continuous pattern on spending and to have any continuous effort to reshape the Federal Government as that Reagan team is in total disarray.

Mr. GREEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise really on a point of clarification of the bill, to make sure that the Members of the House understand a couple of essential points with regard to the housing portion of this appropriation. I do not disagree with many of the things that my good friend and colleague, the gentleman from Georgia, had to say, but I do want it to be on record that the House understands what happened in the housing portion of this bill.

On the House floor this past July we adopted two amendments. One was to roll back the number of new units of public housing to 5,000 units, and the second one was to delete the new program reserve of an additional half a billion dollars.

It is my understanding that the conference agreed to both of those amendments, and there is no dispute as to that. As a matter of fact, it is my further understanding, and I have read the conference report very specifically, that the level of funds for housing appropriations in this conference report is the same as it was when it left the House floor, adjusted only for a financing change of \$700 million,

which was an accounting change which was much of the source of controversy.

So in terms of an apples-to-apples comparison, the amount of money appropriated in the conference report for housing is the same as it was when it left the House floor in July.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I would yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Texas is exactly right in the statement he is making, precisely right. He probably knows as much or more about the housing programs as any particular individual in this House. He is a valued member of the Committee on Banking, Finance and Urban Affairs and this body.

I appreciate the gentleman from Texas, [Mr. BARTLETT] clarifying remarks on this matter. Because of the different methods used to finance individual assisted housing programs, the figures are not easily understood.

Mr. BARTLETT. I thank the gentleman.

So, Mr. Speaker, I would urge Members to very carefully consider their vote. There are other things in this conference report, including an additional sum of money for general revenue sharing, and an additional \$900 million for the Superfund. In addition to that, I think Members ought to consider whether they support the priorities that are in the current housing authority and housing appropriation.

But in fairness to the conference committee, the conference committee did fund in the conference precisely the level under the housing provisions that this House instructed them to do. I am, personally, pleased to say that and commend the conferees for making those precise adjustments and instructions.

Mr. GREEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOLAND. Mr. Speaker, I yield such time as he might require to the distinguished gentleman from Michigan [Mr. TRAXLER], a very valuable member of this subcommittee.

Mr. TRAXLER. I thank the distinguished chairman, the gentleman from Massachusetts, for yielding time to me.

Mr. Speaker, I would encourage adoption of the conference report. This report, and the figures, are within the House-Senate budget resolution.

We do have a process that is being followed by the Committee on Appropriations, and basically it is a format that was set forth through the congressional budget process in the adoption of the congressional budget resolution. So this conference report that

we have before us falls within those totals that were set forward in that resolution adopted earlier this year. There is method, there is rationality, there is sanity. We are not Teflon coating anything. We are not blaming staff for the failure to understand.

What we are saying is that this is the will and the mandate of this Congress. We had dollars that we could move about within the totals that were assigned to us, and that was done. This is a prerogative of the various subcommittees of the Committee on Appropriations, both within the House and the Senate. It represents a continuation of the budget process that started with the President submitting his budget to us in January 1985 with the Committee on the Budget meeting and coming forward with their resolution that was approved by this House, the Senate approving theirs, and then, of course, the conference committee arriving at those totals. And the Congress approving the final product.

□ 1205

We are acting within that total. That is the congressional budget process.

That does not mean that we have abandoned the budget process. We have our own process and we are following it specifically and exactly, and it is rational and it is sane. The fact that it does not agree with the President's priorities, a greater defense buildup, and less spending on the domestic side, does not make ours incomprehensible or incorrect. It means that the congressional budget rearranged his priorities within his total spending limit and said, no, we do not want to continue this massive defense buildup, we want to emphasize the domestic programs at a continuing level and not make increases in them. We want to exercise fiscal responsibility and restraint, and that is what the congressional budget process is about.

This conference report is part of it, and that is why it is before you today in the form that it is. It is responsible.

I do not agree with everything in it, as always is said by many Members who stand at the microphone, and it is true. I do not. I would like to have rearranged the priorities a little further within the total budget process and slowed down the massive defense increases. But that is not my decision to make solely. And the best judgment of all the Members of this body was that we would act reasonably in the course of the budget process and we would balance out the equities, and we would do justice and right for all of the people of America, not a select, narrow few who have sort of a perverted view, in my judgment, of what this Nation is about, and what its priorities ought to be.

I urge the adoption of the conference report.

Mr. GREEN. Mr. Speaker, I yield myself such time as I may consume.

I simply would like to conclude first by reminding the Members again that this bill is \$3 billion below the fiscal year 1985 comparable bill, and it is \$4 billion below our 302(b) allocation, and the staff was advised by OMB this morning that OMB has no objection to the bill.

I would also like to conclude by thanking the distinguished chairman of the subcommittee for his remarkable leadership in getting us this far under very, very difficult circumstances.

I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I yield myself such time as I may consume.

I want to pay tribute to the distinguished ranking minority member of this committee, the gentleman from New York. I know of no man in this House who has spent more time on this bill than he has. And as a member of this subcommittee he has contributed substantially to the knowledge that Members have, particularly with reference to housing problems, because he served as a regional administrator of the Department of Housing and Urban Development in New York for some time. I know of no man who is better to work with, from the standpoint of personality, knowledge, interest, and time spent on this committee, than the distinguished gentleman from New York. I want to thank him very much for the cooperation that he gives the majority, and also to indicate to this House that his contributions are valuable on this particular bill, as on a lot of others.

Mr. MCCAIN. Mr. Speaker, it is good to see a problem that is capable of resolution actually resolved. The conferees on this bill deserve great credit for their actions regarding emergency planning for nuclear facilities. The language agreed to by an overwhelming majority of the conference requires the Federal Emergency Management Agency, as a last resort, to compensate for State and local inadequacies in emergency preparedness for nuclear accidents. The language is directed at a problem that, absent the action we take today, could threaten the operation of numerous nuclear facilities. The concern is that States and localities could refuse to participate in the emergency planning process and thereby attempt to veto new and existing nuclear facilities throughout the country.

Federal participation in the exercise and implementation of emergency plans is the solution adopted by the conferees. The basic argument against a veto is that it conflicts with traditional concepts of Federal preemption in nuclear safety regulation. There is no indication that Congress is in any way dissatisfied with preemption as a governing principle. The veto prospect has arisen, rather, as an unintended by-

product of a Nuclear Regulatory Commission rule requiring adequate emergency evacuation plans for nuclear facilities. Since States and localities normally exercise and implement such plans, their refusal to participate in the emergency preparedness process has the potential to threaten facility operation under the rule.

A unanimous NRC has stated, however, that participation by Federal agencies can satisfy the rule's requirements. A veto will be avoided, therefore, if Federal agencies agree to act when States and localities refuse to do so. The statements adopted by the conferees on this bill and on the energy and water development appropriation bill have now directed FEMA and the Department of Energy to act in such circumstances.

The direction goes not simply to participation in emergency plan drills. It also requires participation in the administration of a plan in the event of an actual nuclear accident. Thus, while FEMA's decision to participate in a drill at Shoreham is welcome, it must now also agree to participate in actual plan implementation. One would hope that, in the end, that commitment would not be necessary. The language makes clear that the conferees expect States and localities to carry out their responsibility both to exercise and implement emergency plans. Yet the statement also provides that, in the event that those responsibilities are neglected, FEMA must step into the breach. As a result of the energy and water development appropriation, DOE must assist FEMA to the full extent of its authority. These directives by the Congress should thus put an end to vetoes of nuclear facilities.

They should, that is, if they are heeded. While I would expect the agencies involved to follow the instructions of their appropriations committees as quickly as possible, it is the view of some in the Congress that they lack the authority to do so. It is significant, therefore, that the conferees have indicated that "it is clear that FEMA has the authority" to perform the relevant functions. I wholeheartedly agree. As I indicated when this bill was before us earlier, the Civil Defense Act and the Disaster Relief Act give FEMA all the authority it needs. Moreover, those acts, the Economy Act, and Executive Order 11490 permit FEMA to delegate any portion of its authority to DOE and other Federal agencies and to utilize the services of those agencies in the performance of emergency planning activities. The language we are considering creates no new authority because it does not need to. It simply directs that adequate existing authority be used to the extent necessary to solve a nagging problem. In issuing that mandate, this Congress performs a valuable service.

Mr. PASHAYAN. Mr. Speaker, I should like to congratulate the conference for its work on the issue of emergency planning for nuclear facilities. When this bill was before the House prior to conference, I spoke in favor of the House committee report language on this matter. I am delighted that the overwhelming sentiment of

the conference was to adopt that language as the position of the conferees.

What the language does is simply stated. It directs the Federal Emergency Management Agency to prevent a State or local veto of a nuclear powerplant license. That is a significant directive, since without it the operation of nuclear facilities can be threatened throughout the country. Nuclear Regulatory Commission rules require that to obtain and retain a powerplant license, a utility must demonstrate that there is adequate emergency preparedness with respect to its facility. Since States and localities normally are the major participants in such preparedness, there is a risk that some will attempt to veto facilities by refusing to take part in the preparedness process.

State and local vetoes will no longer be possible, however, if the direction of the conferees is heeded. Under the language agreed to, FEMA, and any other agency with responsibility in this area, must fill in the gap left by the refusal of a State or local government to participate. This complements language that was recently adopted by the conferees on the Energy and Water Development appropriation bill. There the conferees directed the Department of Energy to compensate for State and local inadequacies in emergency preparedness to the full extent of the Department's authority. By virtue of the bill before us today, Congress is now directing FEMA to coordinate the assistance of DOE and other relevant agencies to ensure that there is adequate emergency preparedness for all nuclear facilities.

The direction applies both to the exercise of emergency plans and to their administration in the event of an actual emergency. FEMA is already committed to participate in the exercise of a plan in the case of the Shoreham reactor. This language tells the agency that similar commitments are expected at other facilities, if necessary to prevent a State or local veto. Moreover, it tells the agency—and this should be stressed—that it is also expected to carry out emergency plans, at Shoreham and elsewhere, in the event of an actual nuclear accident. If a veto is threatened, FEMA is expected to perform command and control functions to the extent necessary to avoid the veto and to provide for an effective emergency response. In sum, the message is that there will be no vetoes—only effective emergency management.

In closing, let me say a word about the underlying authority of FEMA and DOE to respond to these directives of the Congress. When the House considered this bill earlier, I spoke to the legal issues involved at some length. I do not want to rehash what I said then other than to repeat that it is clear that FEMA and DOE have the authority to perform the functions we are directing them to perform. I am inserting in the RECORD at this point a summary of the statutes and executive orders that are controlling on this question:

AUTHORITY OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO EXERCISE AND IMPLEMENT EMERGENCY PLANS FOR NUCLEAR FACILITIES AND TO USE THE SERVICES OF THE DEPARTMENT OF ENERGY OR OTHER AGENCIES IN CONNECTION WITH SUCH ACTIVITIES

I. AUTHORITY UNDER THE FEDERAL CIVIL DEFENSE ACT OF 1950

The Federal Civil Defense Act of 1950 was adopted "to provide a system of civil defense" for protection from enemy attack and from natural and man-made disasters. 50 U.S.C. App. §§ 2251 and 2252(b). The relevant authority under the act has been delegated to the Director of the Federal Emergency Management Agency (FEMA). Executive Order 12148, § 4-103, reprinted in 50 U.S.C. App. § 2251 note. The authority to "provide a system" of necessity includes the authority to intervene directly to compensate for deficiencies in that system.

Section 201 of the Act authorizes the Director of FEMA to "delegate, with the approval of the President, to the several departments and agencies of the Federal Government appropriate civil defense responsibilities." 50 U.S.C. App. § 2281(b).

In addition, section 401(c) of the Act provides that the Director may "utilize the services of Federal agencies." 50 U.S.C. App. § 2253(c). Indeed, the Director is instructed to use existing resources of the federal government to the maximum extent possible. 50 U.S.C. App. § 2257. The Director is authorized to reimburse assisting departments for expenditures or for compensation of their personnel. 50 U.S.C. App. § 2253(e).

II. AUTHORITY UNDER THE DISASTER RELIEF ACT OF 1974

The Disaster Relief Act of 1974 authorizes the President to declare an emergency or major disaster and to provide assistance at the request of the Governor of the affected state. 42 U.S.C. § 5141. Authority to declare an emergency or major disaster remains with the President, but all other relevant authority has been delegated to the Director of FEMA. Executive Order 12148, § 4-203, reprinted in 50 U.S.C. App. § 2251 note.

Once an emergency or major disaster has been declared, Federal agencies are authorized, at the direction of FEMA, "to provide assistance by (1) utilizing . . . their equipment, supplies, facilities, personnel, and other resources." Federal agencies are also authorized to perform "emergency work or services essential to save lives and to protect and preserve property, public health and safety, including but not limited to . . . movement of supplies or persons, clearance of roads," etc. 42 U.S.C. § 5146(a).

Moreover, regardless of existing emergencies or disasters, the Director of FEMA is "authorized to establish a program of disaster preparedness that utilizes services of all appropriate agencies . . . and includes (1) preparation of disaster preparedness plans for mitigation, warning, emergency operations, rehabilitation, and recovery; [and] (2) training and exercises." 42 U.S.C. § 5131.

III. AUTHORITY UNDER EXECUTIVE ORDER 11490

Executive Order 11490, as amended, reprinted in 50 U.S.C. App. § 2251 note, delegates numerous civil defense authorities to various federal agencies and departments. The order provides that these authorities are to be exercised under the guidance and coordination of FEMA. Section 3013 of the order provides:

"Transfer of Functions. Any emergency preparedness function under this order, or parts thereof, may be transferred from one

department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director, FEMA. Any new emergency preparedness function may be assigned to the head of a department or agency by the Director, FEMA by mutual consent."

IV. AUTHORITY UNDER THE ECONOMY ACT

The Economy Act authorizes federal departments and agencies to perform services for other federal departments and agencies. 31 U.S.C. § 1535. The act is implemented by letters of agreement between such departments and agencies. *Id.* The agreement must be in the best interests of the U.S. government; the department or agency must be able to provide the services; and the services must not be available as conveniently or cheaply from a commercial source. *Id.*

Mr. Speaker, the conferees have come to grips with a difficult problem and have resolved it. In adopting this conference report, we will be embracing their solution. I am delighted to see us take that step, since it benefits both those served by nuclear power and those who rightfully insist on adequate protection from its potential risks. I should expect the agencies to respond quickly to our instructions, and I intend to monitor those responses closely.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the conference report on H.R. 3038, making appropriations for the Department of Housing and Urban Development and independent agencies, including the Veterans' Administration. When this measure was before this body originally, I expressed the belief that we could be truly proud of the effect that this measure had on veterans' programs. The conference agreement is about \$400 million less than the funding for these programs that was approved by the House. I am certain that the chairman of the HUD-Independent Agencies Subcommittee, Mr. BOLAND, and the ranking minority member, Mr. GREEN, did the best that they could to defend the House position in conference, and I want to commend them for their efforts. However, the VA appropriation was cut disproportionately when compared to other programs such as space exploration and contributions for assisted housing.

In a number of instances, the conference report approves amounts higher than those approved by either House. At the same time, the conference agreement takes additional amounts away from the accounts which support the VA's Department of Veterans Benefits, as well as the account which supports the invaluable Medical and Prosthetic Research Program of the VA. As an example, the general operating expenses account is cut by over \$23 million when compared to the amounts contained in the House-passed bill and the bill reported by the Senate committee. This means that employment supported by this account will have to be reduced by between 550 and 600 employees. This will have a serious impact on the day-to-day operations of the VA, and will exacerbate problems for those offices that were required to reduce staff in 1986 even before these additional cuts were made. "The quality and timeliness of decisionmaking by VA adjudicators will deter-

riorate below levels that the VA's inspector general has indicated are marginal already in some locations. The VA's Loan Guaranty Program people are trying to manage a serious challenge arising from the high number of loan foreclosures over the past several years. How can we expect them to improve performance when we don't provide the personnel resources necessary to continue at the present level? In addition, the VA has projected that the number of days necessary to process simple insurance policy loans may triple.

In past years, the Congress has recognized the wisdom of adding personnel to the staff of the inspector general and the general counsel. We have seen the beneficial effects and actual cost-savings generated by this investment. It appears that we now must forgo these benefits.

I recognize that the cuts insisted upon by the other body in the VA's medical care account have been partially restored by the conferees. But in my opinion, we have gone beyond fat and started to cut into the fiber of these programs. I believe that the American people, when given a choice between one more shuttle flight, or correct and timely decisions on thousands of claims for veterans' benefits, would choose the latter more often than not. I am also confident that most Americans would insist that the VA care for service-disabled or needy veterans who show up at VA hospitals, even if it meant that we could not spend \$205 million on a space station next year.

Again, Mr. Speaker, I commend Mr. BOLAND, Mr. GREEN, and the other House conferees for their efforts. It should be clearly understood that the House places the highest priority on our Nation's veterans.

Mr. CONTE. Mr. Speaker, I rise in support of the conference report to accompany H.R. 3038, the fiscal year 1986 HUD-independent agencies appropriations bill.

I would like to take this opportunity to commend the distinguished chairman of the conference committee, Mr. BOLAND, for working so conscientiously with his counterpart in the other body to reach agreements on a \$57.29 billion appropriations bill. While no Member, including those of us who served as managers, can be completely satisfied with each of the compromises reached, I am satisfied that this report is the best reflection of our priorities in funding vital, domestic programs during fiscal year 1986 in accordance with budgetary limitations.

I also want to commend the ranking minority member of the subcommittee, Mr. GREEN, for his extraordinary contribution to this committee and to the conference report before us. As he has noted, we were informed this morning by the Office of Management and Budget that OMB does not object to this report.

What we have before us today is a very lean, but fiscally responsible agreement, the fourth conference agreement on a regular fiscal year 1986 appropriations bill to come before us this year. As many of my colleagues know, the HUD-independent agencies bill is the third largest of the 13

appropriations bills. It is the second largest in terms of discretionary budget authority. Domestic programs funded through this measure, including assisted housing, community development, environmental protection, veterans care, emergency management, consumer protection, scientific and educational advancement are among the most important in our Nation.

The managers on the part of the House faced some very difficult decisions on levels of funding and provisions for programs, projects, and activities affecting the Department of Housing and Urban Development and 17 independent agencies. By weighing the priorities established by our committee and approved by this House last July, we worked to preserve and maintain those considered most critical. However, faced with the very real possibility of having this bill held up or rejected by the other body, and a Presidential veto, we agreed to some \$550 million in programmatic reductions.

Just 4 months ago, our committee came before this House with what we considered to be a bare-bones bill. We had carefully crafted this bill after 20 long days of hearings which included testimony from more than 300 witnesses who filled 7,500 pages and nine volumes of hearing records. Our funding recommendations were below 1985-enacted levels and within the assumptions and allocations made in the House-passed budget resolution. We also deferred action on three programs for which authorizing legislation had not been enacted.

The bill which passed the House contained \$55.4 billion in new budget authority and, as we know all too well, contained significant reductions in funding for programs such as UDAG, CDBG, and revenue sharing.

After nearly 3 weeks of negotiations with the other body, we report to you today an agreement which contains further reductions. I am personally pleased that we were able to reject additional cuts in the section 202 program, so that the fiscal year 1986 program will allow for 12,000 units; the community development block grants, which are maintained at the House-passed level of \$3.125 billion; the urban development action grants, which are also included at the House level of \$330 million; housing development grants, which are maintained at \$75 million; EPA's operating programs, including \$50 million for the school asbestos abatement program and \$1.5 million for the national emissions data system to support acid rain data collection and analysis within the total of \$1.49 billion; FEMA's Emergency Food and Shelter Program, which is funded at the House level of \$70 million; and a number of programs essential for the care of U.S. veterans and their dependents.

In an effort to reduce outlays to conform with the Senate 302(b) allocation and have the agreement adopted by the other body and signed into law by the President, we agreed to make further cuts from House-passed levels in 29 accounts. These were not easy decisions. Our agreements to

make \$900 million available for Superfund upon enactment of authorizing legislation, our agreement to continue the traditional method of financing public housing modernization, and our agreement to restore as much of the fiscal year 1986 reduction in revenue sharing payments assumed by both bodies required offsets in several accounts. These included: \$100 million from FEMA disaster relief, \$5 million from NASA space flight control and data communications, \$5 million from NASA research and program management, EPA salaries and expenses by \$6 million, HUD salaries and expenses by \$5 million, FEMA salaries and expenses by \$4 million, \$200 million from VA readjustment benefits, \$113 million from VA medical care, \$6.6 million from VA medical and prosthetic research, \$7.6 million from VA medical administration, \$23.7 million from VA operating expenses, \$16.3 million from VA construction accounts, and \$35 million from the VA loan guarantee revolving fund.

Mr. Speaker, as a long-time supporter of the HUD solar energy and energy conservation bank, I regret that we could not recommend new budget authority for the bank in fiscal year 1986. Because of the success with which this program has met in such States as my own, House conferees have successfully fought to continue the program over the requests of the other body and the administration for program termination. For fiscal year 1986, however, the managers recommend that HUD continue to allocate the \$5-\$7 million expected to be available through recaptures and other funds on the normal annual schedule using performance-based distribution.

With regard to revenue sharing, I regret that constraints imposed on the conferees required us to reduce funding by \$381.7 million from fiscal year 1985 levels. As my colleagues will recall, H.R. 3038 as passed by the House contained a 25 percent or \$1.14 billion reduction from 1985. It was my intention, and the intention of our committee, to restore this reduction in conference in the event that the budget resolution would assume full 1986 funding and the other body included the entire \$4.566 billion. Unfortunately, despite the budget resolution assumptions as adopted, the other body reduced revenue sharing payments by \$328 million. Our conference agreement includes \$4.185 billion, a \$381.7 million reduction from last year. In order that we give our local governments the greatest possible amount of time to prepare for this reduction, we further recommended that the entire 8.36 percent reduction be made in the final quarterly payment.

Mr. Speaker, in accordance with the terms of Public Law 99-103, the fiscal year 1986 continuing resolution, funding for HUD and the independent agencies is provided at the lower of the House-passed fiscal year 1986 rate or the fiscal year 1985 rate, whichever is lower. It was the unanimous desire of the conferees to have the funds and provisions for these agencies disengage from the restrictive, short-run terms as soon as possible. Our agreement, including the addition of \$900 million for

Superfund and the \$760 million partial restoration for revenue sharing, is \$1.89 billion over the House-passed level. The total is, however, still \$3.119 billion below fiscal year 1985 enacted levels, and within the House 302(b) allocation.

I urge my colleagues to support the adoption of the conference report.

Mr. DOWNEY of New York. Mr. Speaker, I want to commend the excellent work on the HUD/Independent Agencies appropriations bill done by my colleagues, Mr. BOLAND and Mr. GREEN, the chairman and ranking member of the Subcommittee on HUD and Independent Agencies respectively. I support H.R. 3038, providing funds for the Department of Housing and Urban Development and other agencies of the Federal Government.

Although I support the bill, Mr. Speaker, I must indicate my strong opposition to language contained in the report which pertains to the Federal Emergency Management Agency. This language seeks to convey the impression that FEMA has the authority to override State and local government authorities if it deems it necessary to ensure an effective emergency response plan for a nuclear power facility.

Earlier this year, when H.R. 3038 first came to the floor, I indicated that this provision was a cause for great concern. Now, 4 months later, we face a situation in which the Nuclear Regulatory Commission and FEMA propose to exercise a test of an emergency response plan for Long Island's Shoreham facility, drawn up by a private utility, not the local government. They propose to do this, Mr. Speaker, in the face of opposition from the Governor of the State of New York, the county executive of Suffolk County, in which the plant is located, and the county legislature.

The situation which concerned us as a hypothetical case in July is now about to happen.

My colleague, Mr. MARKEY of Massachusetts, who is the chairman of the Subcommittee on Energy Conservation and Power which has oversight responsibility over the NRC, has pointed out that the language contained in the report would seem to provide extraordinary powers to FEMA. These powers, Mr. MARKEY points out, were never provided in any authorizing bill. We must be quite clear that even if this language is adopted, it does not have the force of law. It is simply report language—nothing more.

Nonetheless, I take this opportunity to state my firm conviction that FEMA must work closely and cooperatively with State and local authorities to develop emergency response plans to deal with radiological accidents. I take seriously the assurance that the former director of FEMA, Mr. Louis Giuffreda, gave to the National Governors' Association in 1983:

FEMA does not support the idea that the Federal Government should be empowered as the last resort to develop a plan even if all other responsible entities fail to do so. The role of the Federal Government is to enhance, not supplant, State and local government capabilities to prepare for and re-

spond to radiological and other types of emergencies.

Mr. Speaker, we have no formal administration statement that nullifies that position. Nor do we have authorizing language to give FEMA the power that this report language seeks to endow it with. In the absence of legislation, I must strongly oppose this far-reaching language.

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered. The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 153, not voting 13, as follows:

[Roll No. 404]

YEAS—268

| | | |
|--------------|--------------|-------------|
| Ackerman | Darden | Heftel |
| Akaka | Daschle | Hillis |
| Alexander | Davis | Holt |
| Anderson | Dellums | Horton |
| Annunzio | Derrick | Howard |
| Anthony | Dickinson | Hoyer |
| Aspin | Dicks | Hunter |
| Atkins | Dingell | Hutto |
| Barnes | DioGuardi | Jacobs |
| Bateman | Dixon | Jenkins |
| Bates | Donnelly | Johnson |
| Bedell | Dowdy | Jones (NC) |
| Beilenson | Downey | Jones (TN) |
| Bennett | Duncan | Kastenmeier |
| Bentley | Durbin | Kennelly |
| Berman | Dwyer | Kildee |
| Bevill | Dymally | Kleczka |
| Biaggi | Dyson | Kolbe |
| Boehlert | Early | Kolter |
| Boggs | Eckart (OH) | Kostmayer |
| Boland | Edwards (CA) | LaFalce |
| Boner (TN) | Emerson | Lantos |
| Bonior (MI) | Erdreich | Lehman (CA) |
| Bonker | Evans (IL) | Lehman (FL) |
| Borski | Fascell | Leland |
| Bosco | Fazio | Levin (MI) |
| Boucher | Feighan | Levine (CA) |
| Boulter | Fields | Lewis (CA) |
| Boxer | Fish | Lewis (FL) |
| Brooks | Flippo | Lloyd |
| Broomfield | Florio | Long |
| Brown (CA) | Foglietta | Lowery (CA) |
| Bruce | Foley | Lowry (WA) |
| Bryant | Ford (MI) | Lundine |
| Burton (CA) | Ford (TN) | Madigan |
| Bustamante | Frank | Manton |
| Byron | Frost | Markey |
| Carr | Gallo | Martin (NY) |
| Chandler | Garcia | Martinez |
| Chappell | Gaydos | Matsui |
| Clay | Gejdenson | Mavroules |
| Clinger | Gephardt | Mazzoli |
| Coats | Gilman | McCain |
| Coelho | Glickman | McCloskey |
| Coleman (MO) | Gonzalez | McDade |
| Coleman (TX) | Gray (IL) | McHugh |
| Collins | Gray (PA) | McKernan |
| Conte | Green | Meyers |
| Conyers | Guarini | Mica |
| Cooper | Hall (OH) | Michel |
| Coughlin | Hatcher | Mikulski |
| Courter | Hawkins | Miller (CA) |
| Coyne | Hayes | Miller (WA) |
| Crockett | Hefner | Mineta |

| | | |
|---------------|--------------|-------------|
| Mitchell | Ridge | Sundquist |
| Moakley | Rinaldo | Swift |
| Molinari | Ritter | Synar |
| Mollohan | Rodino | Tallon |
| Montgomery | Roe | Thomas (GA) |
| Morrison (CT) | Rogers | Torres |
| Morrison (WA) | Rose | Torricelli |
| Murphy | Rostenkowski | Towns |
| Murtha | Roth | Traficant |
| Myers | Roukema | Traxler |
| Natcher | Rowland (CT) | Udall |
| Nichols | Rowland (GA) | Valentine |
| Nowak | Roybal | Vento |
| Oakar | Sabo | Visclosky |
| Oberstar | Savage | Volkmer |
| Olin | Saxton | Walgren |
| Ortiz | Scheuer | Watkins |
| Owens | Schneider | Waxman |
| Packard | Schuette | Weiss |
| Panetta | Seiberling | Wheat |
| Parris | Shelby | Whitley |
| Pashayan | Sikorski | Whitten |
| Pease | Skeen | Williams |
| Pepper | Skelton | Wilson |
| Perkins | Smith (FL) | Wise |
| Petri | Smith (IA) | Wolf |
| Porter | Smith (NJ) | Wolpe |
| Price | Snowe | Wortley |
| Pursell | Solarz | Wright |
| Quillen | Spratt | Yates |
| Rahall | St Germain | Yatron |
| Rangel | Staggers | Young (AK) |
| Ray | Stark | Young (FL) |
| Regula | Stokes | Young (MO) |
| Reid | Stratton | |
| Richardson | Studds | |

NAYS—153

| | | |
|--------------|---------------|---------------|
| Andrews | Hammerschmidt | Penny |
| Applegate | Hansen | Pickle |
| Archer | Hartnett | Roberts |
| Armey | Hendon | Robinson |
| AuCoin | Henry | Roemer |
| Badham | Hertel | Rudd |
| Barnard | Hiler | Russo |
| Bartlett | Hopkins | Schaefer |
| Barton | Hubbard | Schroeder |
| Bereuter | Huckaby | Schulze |
| Billakis | Hughes | Schumer |
| Bliley | Hyde | Sensenbrenner |
| Breaux | Ireland | Sharp |
| Brown (CO) | Jeffords | Shaw |
| Broyhill | Jones (OK) | Shumway |
| Burton (IN) | Kanjorski | Shuster |
| Callahan | Kaptur | Siljander |
| Carney | Kasich | Sisisky |
| Carper | Kindness | Slatery |
| Chapman | Kramer | Slaughter |
| Chapple | Lagomarsino | Smith (NE) |
| Cobey | Latta | Smith, Denny |
| Coble | Leach (IA) | (OR) |
| Combest | Leath (TX) | Smith, Robert |
| Craig | Lent | (NH) |
| Crane | Lightfoot | Smith, Robert |
| Daniel | Lipinski | (OR) |
| Dannemeyer | Livingston | Snyder |
| Daub | Loeffler | Solomon |
| DeLay | Lott | Spence |
| DeWine | Lujan | Stallings |
| Dorgan (ND) | Luken | Stangeland |
| Dornan (CA) | Lungren | Stenholm |
| Dreier | Mack | Strang |
| Eckert (NY) | MacKay | Stump |
| Edwards (OK) | Marlenee | Sweeney |
| English | Martin (IL) | Swindall |
| Evans (IA) | McCandless | Tauke |
| Fawell | McCollum | Tauzin |
| Fiedler | McCurdy | Taylor |
| Franklin | McEwen | Thomas (CA) |
| Gekas | McGrath | Vander Jagt |
| Gibbons | McMillan | Vucanovich |
| Gingrich | Miller (OH) | Walker |
| Goodling | Monson | Weaver |
| Gordon | Moody | Weber |
| Gradison | Moore | Whitehurst |
| Gregg | Moorhead | Whittaker |
| Grothberg | Neal | Wirth |
| Gunderson | Nielson | Wyden |
| Hall, Ralph | Obey | Wyllie |
| Hamilton | Oxley | Zschau |

NOT VOTING—13

| | | |
|-------------|----------|---------|
| Addabbo | Fowler | Mrazek |
| Campbell | Frenzel | Nelson |
| Cheney | Fuqua | O'Brien |
| de la Garza | Kemp | |
| Edgar | McKinney | |

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Fuqua for, with Mr. Cheney against.
Mr. McKinney for, with Mr. Nelson of Florida against.

Messrs. LIPINSKI, GROTEBERG, SWEENEY, SISISKY, ANDREWS, and HERTEL of Michigan changed their votes from "yea" to "nay".

Messrs. HALL of Ohio, COLEMAN of Missouri, HUNTER, VOLKMER, and LEWIS of Florida changed their votes from "nay" to "yea."

So the conference report was agreed to

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 2, line 14, strike out "\$9,200,902,781" and insert "\$8,108,355,781".

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Senate amendments in disagreement be designated by number, considered as read, and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "\$9,965,607,781".

The motion was agreed to.

□ 1230

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 3: Page 2, line 15, strike out all after "herein," down to and including "\$163,800,000" in line 17 and insert "\$327,600,000".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following: "\$1,306,500,000 shall be for assistance in financing the development or acquisition cost of public housing, of which \$327,600,000".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent

that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 3, line 14, after "1437f)" insert ", for use in connection with the rental rehabilitation program under section 17 of such Act and, notwithstanding section 8(o)(4), for other purposes as determined by the Secretary".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: ", for use, notwithstanding the limitations in section 8(o)(1) of such Act that the Secretary conduct a demonstration, and in section 8(o)(4) of such Act that the Secretary use substantially all authority in connection with certain programs, in connection with the rental rehabilitation program under section 17 of such Act and for any other purposes as determined by the Secretary".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 12: Pages 3, line 21, after "1986" insert "; Provided further, That notwithstanding the immediately preceding ("merger") proviso, notwithstanding any requirement of section 235(c)(3) of the National Housing Act, as amended, and notwithstanding the proviso in this paragraph concerning rescission of recaptured budget authority, any balances of the contract authority and budget authority provided in the Second Supplemental Appropriations Act, 1984 (Public Law 98-396, 98 Stat. 1369, 1380) for the home ownership assistance program under section 235 of the National Housing Act, as amended (12 U.S.C. 1715z), for which the Secretary has made fund reservations prior to the date of enactment of this Act shall remain available for obligation without regard to any fiscal year limita-

tion until such reserved budget authority is expended, and the Secretary of Housing and Urban Development shall have the authority to enter new contracts for assistance payments and to insure mortgages under section 235 until such reserved budget authority is expended notwithstanding any sunset date specified in the last sentences of section 235(h)(1) and section 235(m), respectively: *Provided further*, That notwithstanding the "merger" proviso, and notwithstanding the proviso in this paragraph concerning rescission of recaptured budget authority, any amounts of budget authority heretofore made available for obligation until September 30, 1986 for rental rehabilitation grants and development grants, pursuant to section 17(a)(1) of the United States Housing Act of 1937, as amended, shall remain available until such date

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 12, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 16: Page 4, line 3, after "1986" insert "except such amounts provided for assistance payments contracts under section 235 of the National Housing Act of 1937, and for grants under section 17(a)(1) of the United States Housing Act of 1937,".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 16, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 17: Page 4, line 3, strike out all after "That" over to and including "bedrooms" in line 8 on page 5 and insert "the first sentence of section 6(b) of the United States Housing Act of 1937 is amended by striking out "by more than 10 per centum" and inserting before the period at the end thereof "except that the Secretary shall increase such amount if the Secretary determines such action to be necessary to account for location or other factors related to a particular project"."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following: "section 6(b) of the United States Housing Act of 1937 is repealed".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 7, line 13, after "\$1,210,600,000" insert "to remain available for obligation in accordance with section 9(a), notwithstanding section 9(d), of such Act until September 30, 1987".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 17, line 4, strike out "contractors" and insert "persons".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 46: page 17, after line 12, insert:

PAYMENT TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For payment, as repayable advances to the Hazardous Substance Response Trust Fund, as authorized by law, such borrowed sums as may be necessary to carry out the purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, including sections 111 (c)(3), (c)(5), and (e)(4) (42 U.S.C. 9611), \$1,200,000,000, to be derived from the Hazardous Substance Response Trust Fund to remain available until expended: *Provided*, That not to exceed \$140,000,000 shall be available for administrative expenses. Funds appropriated under

this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96-510: *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$21,000,000 shall be made available to the Department of Health and Human Services on October 1, 1985, to be derived by transfer from the Hazardous Substance Response Trust Fund, of which no less than \$5,125,000 shall be available for toxicological testing of hazardous substances.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

PAYMENT TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For payment, as repayable advances to the Hazardous Substance Response Trust Fund, when specifically authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, such borrowed funds as may be necessary to carry out the purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), \$900,000,000, to be derived from the Hazardous Substance Response Trust Fund, to remain available until expended: *Provided*, That funds appropriated under this account may be allocated to other Federal agencies in accordance with section 111(a) of Public Law 96-510: *Provided further*, That for performance of specific activities in accordance with section 104(i) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, \$21,000,000 shall be made available to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund, of which no less than \$5,125,000 shall be available for toxicological testing of hazardous substances. For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, not to exceed \$90,000,000 shall be available for administrative expenses.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 54: Page 21, line 21, after "Appropriations," insert "For the purpose of the determination of premium rates under the National Flood Insurance Act of 1968, the flood protection system in Winfield, Kansas, shall, at the 50 per centum stage of completed construction, as required by section 1307(e) of such Act, be considered to comply with the requirements and conditions of section 1307 of such Act, notwithstanding the source of funding."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 54, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 55: Page 21, after line 21, insert:

NATIONAL INSURANCE DEVELOPMENT FUND

For one-time payments from the National Insurance Development Fund to participating Federal Crime Insurance Program States, as authorized by section 1242 of the Urban Property Protection and Reinsurance Act of 1968 as amended, not to exceed \$10,000,000, to remain available until October 31, 1985. Eligibility for payment under this appropriation shall be contingent upon certification by a State that it shall develop, on an expeditious basis, an alternative mechanism for providing access to crime insurance to all current Federal Crime Insurance policyholders in that State who apply. Such certification shall be made not later than September 30, 1985. Payments to each State shall be determined by the proportionate share of this amount based on the number of policies in force in each State, as of July 31, 1985. The Administrator of the Federal Insurance Administration, Federal Emergency Management Agency, shall provide such funds no later than October 31, 1985. The Administrator shall provide complete policyholder lists to all States participating in the program by August 31, 1985.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following:

NATIONAL INSURANCE DEVELOPMENT FUND

For one-time payments from the National Insurance Development Fund to participating Federal Crime Insurance Program States, as authorized by section 1242 of the Urban Property Protection and Reinsurance Act of 1968, as amended, not to exceed \$10,000,000. Eligibility for payment under this appropriation shall be contingent upon certification by a State that it shall develop,

on an expeditious basis, an alternative mechanism for providing access to crime insurance to all current Federal Crime Insurance policyholders in that State who apply. Such certification shall be made not later than 30 days following the effective date of this paragraph. Payments to each State shall be determined by the proportionate share of this amount based on the number of policies in force in each State, as of July 31, 1985. The administrator of the Federal Insurance Administration, Federal Emergency Management Agency, shall provide such funds no later than 60 days following the effective date of this paragraph. This paragraph shall become effective on January 1, 1986: *Provided*, That the provisions of this paragraph, and eligibility for payments hereunder, shall not become effective or shall cease to be effective during any period that the authority of the Federal Crime Insurance Program for issuance of insurance policies is effective.

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 63: Page 26, line 18, after "Act" insert "*Provided further*, That the Administrator may authorize such facility lease or construction, if he determines that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided further*, That the Administrator may authorize such facility lease or construction, if he determines, in consultation with the Committees on Appropriations, that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 66: Page 27, line 13, after "conclusive" insert "*Provided further*, That, of such funds, \$500,000 shall be available for the activities of the National Commission on Space, established by the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361; 98 Stat. 422)".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 66 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "*Provided further*, That of funds provided for the National Aeronautics and Space Administration under this or any other account, \$400,000 shall be available for the activities of the National Commission on Space, established by the National Aeronautics and Space Administration Authorization Act, 1985 (Public Law 98-361; 98 Stat. 422)".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 68: Page 27, after line 13, insert:

MISSISSIPPI TECHNOLOGY TRANSFER CENTER

(a) The Congress finds that—

(1) section 9 of Mississippi Senate Bill No. 2984, 1985 Regular Session, which became effective on July 1, 1985, provides appropriations for constructing, furnishing and equipping a building and related facilities, to be known as the Mississippi Technology Transfer Center, at the National Space Technologies Laboratories in Hancock County, Mississippi; and

(2) operation and maintenance of the Mississippi Technology Transfer Center by the Federal Government is in the national interest.

(b) The Administrator of the National Aeronautics and Space Administration may—

(1) enter into an agreement with the State of Mississippi by which title to the Mississippi Technology Transfer Center shall be transferred to the Government of the United States and by which such Center

shall be operated by the Government of the United States;

(2) accept title to such Center on behalf of the Government of the United States; and

(3) after title has been transferred under paragraph (2) of this subsection, operate and maintain such Center, subject to the availability of appropriations for such purposes.

(c) It is the sense of the Congress that, to the extent practicable, the National Space Technology Laboratories should apply its existing reimbursement policies to occupants of such Center.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 68, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 88: Page 42, line 13, after "year" insert ":", of which not to exceed \$500,000 shall be available for purposes of training State examiners and not to exceed \$1,500 shall be available for official reception and representation expenses".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 88, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 91: Page 45, line 2, after "1980;" insert "travel under the Solid Waste Disposal Act as amended;"

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 91 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "to site-related travel under the Solid Waste Disposal Act, as amended;"

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Boland].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: Page 45, line 4, after "schedules" insert "": *Provided further*, That if appropriations in titles I and II expendable for travel expenses exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may likewise exceed the amounts therefor set forth in the estimates in the same proportion as the amounts expendable for travel expenses exceed the estimates therefore".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Boland moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following: "": *Provided further*, That if appropriations in titles I and II exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. Boland].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 94: page 49, strike out lines 18, 19, and 20 and insert:

SEC. 417. Except as otherwise provided in this section, each dollar amount contained in this Act, as amended, which is provided for nondefense discretionary programs and activities is hereby reduced 1.1 per centum: *Provided*, That this section shall not apply to the amount on page 2, line 16: *Provided further*, That, notwithstanding the provisions of 31 U.S.C. 6701-6724, payments to local governments are hereby reduced by 7.2 per centum: *Provided further*, That, notwithstanding the provisions of 31 U.S.C. 6701-6724, in the fiscal year ending September 30, 1986, persons charged with administration of any provision of 31 U.S.C. 6701-6724, shall limit the value of any payments conferred by 31 U.S.C. 6701-6724 to amounts not in excess of the amount provided in this annual appropriation Act, as amended by this section, and if the requirements of 31 U.S.C. 6701-6724 exceed the amount so provided, the payments shall be reduced to the extent necessary to stay within the amount provided in this annual appropriation Act, as amended by this section. Notwithstanding the provisions of titles I and II of this Act, the following ac-

counts are reduced in budget authority by the following amounts:

Management and Administration (HUD) \$10,000,000;
Salaries and Expenses (EPA) \$10,000,000;
Salaries and Expenses (FEMA) \$10,000,000;
Research and Program Management (NASA) \$15,000,000;
Medical Administration and Miscellaneous Operating Expenses (VA) \$3,000,000; and
General Operating Expenses (VA) \$15,000,000.

Sec. 418. Any funds previously appropriated for the purposes of construction grants under title II of the Clean Water Act shall be available for all projects for which such funding was initially available when such appropriations were made and not be limited to phases or segments of previously funded projects.

Sec. 419. Notwithstanding any other provision of this Act (including any provision reducing certain dollar amounts by a specified percentage), the appropriation made by this Act for the Veterans' Administration for "Medical care" shall be \$9,162,694,000.

Sec. 420. Notwithstanding any other provision of the law, none of the funds appropriated in this Act or any previous Acts shall be used to issue any permit not intended for limited-duration research purposes for the ocean incineration of hazardous wastes, unless the Administrator of the Environmental Protection Agency prepares an environmental impact statement (as described in clause (1) et seq. of section 102(2)(C) of the National Environmental Policy Act of 1969) with respect to the loading, transportation, and incineration of such wastes which will be involved under the terms of the permit.

TITLE V—SHELTER PROGRAM: GENERAL PROVISIONS

SHORT TITLE

Sec. 501. The following titles may be cited as the "Homeless Housing Assistance Act of 1985".

DEFINITIONS

Sec. 502. For the purpose of this Act—
(1) the term "emergency shelter", as used in section 608(b) of this Act, means an entire facility, or that part of a facility, which is used or designed to be used to provide temporary housing to not fewer than twenty individuals;

(2) the term "homeless" means individuals who are poor and who have no access to either traditional or permanent housing;

(3) the term "local government" means a unit of general purpose local government;

(4) the term "locality" means the geographical area within the jurisdiction of a local government;

(5) the term "operating costs" means expenses incurred by State, local governments, and private nonprofit organizations operating transitional housing for the homeless under title VII of this Act with respect to—

(A) the administration, maintenance, minor repairs, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing;

(C) the conducting of the assessment required in section 705(a)(2) of this Act; and

(D) the provision of supportive services to the residents of such housing;

(6) the term "private nonprofit organization" means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under subtitle A of such

Code, and which has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance;

(7) the term "Secretary" means the Secretary of Housing and Urban Development;

(8) the term "shelter", as used in title II of this Act, means broadly the provision of protection from the elements for homeless individuals;

(9) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States;

(10) the term "supportive services" means assistance to the residents of transitional housing in obtaining permanent housing, medical and psychological counseling and supervision, employment counseling, referral to job training, nutritional counseling, and such other services essential for establishing independent living as the Secretary determines to be appropriate. Such term includes the provision of assistance to the residents of transitional housing in obtaining other Federal, State, and local government assistance available for such persons, including mental health benefits, employment counseling, referral to job training programs, and medical assistance; and

(11) the term "transitional housing" means a single- or multi-family structure suitable for the provision of housing and supportive services for not more than 15 homeless persons, who cannot presently live independently without supportive services in a supervised residential setting but who are believed capable of transition to independent living with 6 months of assistance in a stable environment.

TITLE VI—EMERGENCY FOOD AND SHELTER PROGRAM

EMERGENCY FOOD AND SHELTER PROGRAM NATIONAL BOARD

Sec. 601. (a) The Director of the Federal Emergency Management Agency shall, as soon as practicable after September 30, 1985, constitute a national board for the purpose of carrying out an emergency food and shelter program.

(b) The national board shall consist of seven members. The United Way of America, the Salvation Army, the National Council of Churches of Christ in the United States of America, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross, and the Federal Emergency Management Agency shall each designate a representative to sit on the national board.

(c) The representative of the Federal Emergency Management Agency shall chair the national board.

NATIONAL BOARD TRANSITION

Sec. 602. (a) The national board constituted by the Director of the Federal Emergency Management Agency, pursuant to section 601, shall continue to be authorized until March 30, 1986, and on such date, the personnel, property, records, and undistributed program funds of such national board shall be transferred to the national board constituted under subsection (b).

(b) On or before March 30, 1986, the Secretary of Housing and Urban Development shall constitute a national board for the purpose of carrying out an emergency food and shelter program. This national board shall consist of the same representatives, or their successors, of the same organizations as the national board constituted pursuant to section 601(b), except that the Secretary

of Housing and Urban Development shall designate a representative to replace the Federal Emergency Management Agency representative. Such national board shall assume authority on March 30, 1986.

(c) The representative designated by the Secretary of Housing and Urban Development shall chair the national board constituted pursuant to subsection (b).

DISTRIBUTION OF PROGRAM FUNDS

Sec. 603. The national boards constituted pursuant to sections 601 and 602(b) shall determine how program funds are to be distributed to individual localities. The national boards shall identify localities having the highest need for emergency food and shelter assistance, based on unemployment and poverty rates and such other need-related data as the national boards deem appropriate, determine the amount and distribution of funds to these localities, and ensure that funds are properly accounted for.

AGENCY RESPONSIBILITIES

Sec. 604. (a) The Director of the Federal Emergency Management Agency shall award a grant for such amount as Congress appropriates for this program to the national board constituted pursuant to section 601 within 30 days after the beginning of fiscal year 1986, for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and through units of local government.

(b) The Director of the Federal Emergency Management Agency, or his representative, shall have the following responsibilities: provision of guidance, coordination, and staff assistance to the national board in carrying out the program; and cooperation and coordination with the Secretary of Housing and Urban Development in the conducting of an audit of program funds awarded to the national board constituted pursuant to section 601 or transferred to the national board constituted pursuant to section 602(b). The responsibilities of the Director of the Federal Emergency Management Agency with respect to this program shall end with the completion of the audit for program funds distributed during fiscal year 1986.

(c) The Secretary of Housing and Urban Development shall award a grant for such amount as Congress appropriates for this program to the national board constituted pursuant to section 602(b) within 30 days after the beginning of fiscal years 1987 and 1988, for the purpose of providing emergency food and shelter to needy individuals through private nonprofit organizations and through units of local government.

(d) The Secretary of Housing and Urban Development shall have the following responsibilities: provision of guidance, coordination, and staff assistance to the national board in carrying out the program; and the conducting of an audit of program funds awarded to and transferred to the national boards constituted pursuant to sections 601 and 602(b).

(e)(1) In carrying out the responsibilities under subsection (d), the Secretary shall coordinate activities with the Federal Interagency Task Force on Food and Shelter, chaired by the Secretary of Health and Human Services, to identify vacant and surplus Federal facilities which could be renovated or converted for use as emergency shelter facilities for the homeless.

(2) Not later than 3 months after the end of fiscal year 1986, the Secretary shall submit to the Congress a report on obsta-

cles, if any, including agency rules or procedures, to the availability of vacant and surplus Federal facilities for renovation or conversion to use as emergency shelter facilities for the homeless, with recommendations for legislative or administrative changes to overcome such obstacles.

LOCAL BOARDS

Sec. 605. (a) Each locality designated by the national boards constituted pursuant to sections 601 and 602(b) shall constitute a local board for the purpose of determining how program funds allotted to the locality will be distributed. The local board shall consist, to the extent practicable, of representatives of the same organizations as the national boards, except that the mayor or other appropriate heads of government will replace the Federal Emergency Management Agency or Department of Housing and Urban Development member. The chair of the local board shall be elected by a majority of the members of the local board. Local boards are encouraged to expand participation of other private nonprofit organizations on the local board.

(b) Local boards shall have the following responsibilities: determining which private nonprofit organizations or public organizations of the local government in the individual locality shall receive grants to act as service providers; monitoring recipient service providers for program compliance; reallocation of funds among service providers; ensuring proper reporting; and coordinating with other Federal, State, and local government assistance programs available in the locality.

(c) Prior to March 30, 1986, local boards constituted pursuant to subsection (a) shall be accountable to the national board constituted pursuant to section 601. On and after March 30, 1986, local boards constituted pursuant to subsection (a) shall be accountable to the national board constituted pursuant to section 602(b).

LOCAL HOMELESS ASSISTANCE PLAN

Sec. 606. (a) At the end of each fiscal year, each local board shall submit to the national board constituted pursuant to section 602(b), a plan describing programs, goals, and objectives for providing assistance to the homeless in that locality. The plan shall be developed in cooperation with the local government head represented on the local board.

(b) The local plan shall address the following subjects: description of existing shelter, mass feeding, and food bank activities in that locality, including activities not receiving assistance under this title; use and availability of all public and private resources in the locality to assist the homeless; coordination of all public and private services and resources in that locality to assist the homeless; coordination among all shelter providers in the locality to use all available shelter space for the homeless; and preservation of low-income housing in the locality.

(c) The local plan shall be placed on file in the office of the local government head represented on the local board and shall be made available to the public. The local plan shall be forwarded to that individual locality's representatives in Congress. The national board shall maintain files of local plans and make them available upon request to other localities.

(d) The preparation and submission of the local plan shall be regarded as the legal duty of the local board, but failure to do so shall not be grounds for the withholding of funds appropriated under this title from

that locality. Any citizen residing in the locality in which such local board is constituted shall have standing in the Federal district court of jurisdiction to seek an order compelling the preparation and submission of the local plan as required by this section. The substance and contents of the local plan shall be within the sole discretion of the local board and shall not be subject to administrative or judicial review.

SERVICE PROVIDERS

Sec. 607. Designation by the local board of a service provider to receive program funds should be based upon a private nonprofit organization's or unit of local government's ability to deliver emergency food and shelter to needy individuals and such other factors as are deemed appropriate to program objectives by the local board.

USE OF FUNDS

Sec. 608. (a) The national boards constituted by sections 601 and 602(b) may authorize the following use of funds to address the emergency food and shelter needs of needy individuals:

(1) Expenditures necessary to purchase emergency food and shelter for needy individuals, to supplement and extend currently available resources and not to substitute or reimburse ongoing programs and services; and

(2) Expenditures necessary to conduct minimum rehabilitation of existing mass shelter or mass feeding facilities to make facilities safe, sanitary, and bring them into compliance with local building codes.

(b)(1) Local boards are authorized to expend up to 25 percent of the funds allotted to that locality for substantial renovation or conversion, but not acquisition or new construction, of buildings for use as emergency shelter facilities to provide additional shelter space. Such expenditures shall be made in the form of noninterest bearing advances, repayment of which shall be waived if—

(A) the applicant utilizes the building as an emergency shelter facility for not less than the 10-year period following the completion of such renovation or conversion, or

(B) the Secretary determines that such facility is no longer needed to provide shelter to the homeless and approves use of the building for another charitable purpose for the remainder of such 10-year period. If the recipient of such advance fails to comply with the conditions for such a waiver, the recipient shall repay to the Secretary in cash the full amount of the advance received on such terms as the Secretary shall require. It shall be the responsibility of the local board to obtain documentation, signed by the responsible official, showing that the recipient of such advance is aware of and agrees to the conditions of its receipt.

(2) Local boards are encouraged to provide, to the neighborhood in which a new emergency shelter facility is to be located, adequate notice and an opportunity to comment. Local boards are also encouraged to achieve the widest possible distribution of emergency shelters throughout the locality to avoid a disproportionate burden on any one section or neighborhood of the locality.

LIMITATION ON CERTAIN COSTS

Sec. 609. Not more than 3 percent of the total appropriation for this program each year may be expended for the costs of administration.

PROGRAM GUIDELINES

Sec. 610. (a) The national boards constituted pursuant to sections 601 and 602(b)

shall establish written guidelines for carrying out this program, including methods for identifying localities with the highest need for emergency food and shelter assistance; methods for determining amount and distribution to these localities; eligible program costs, with the aim of providing emergency essential services based on currently existing needs; and responsibilities and reporting requirements of the national boards, local boards, and service providers.

(b) These guidelines shall be published annually, and whenever modified, in the Federal Register. The national boards shall not be subject to the procedural rulemaking requirements of subchapter II of chapter 5 of title 5, United States Code.

(c) Guidelines established by the national board constituted pursuant to section 601 shall continue in effect until modified or revoked by that board or by the national board constituted pursuant to section 602(b).

PROGRAM AUTHORIZED

Sec. 611. (a) To carry out this title, there are authorized to be appropriated \$70,000,000 in fiscal year 1986, \$88,000,000 in fiscal year 1987, and \$91,000,000 in fiscal year 1988.

(b) Any appropriated funds not obligated in a fiscal year shall remain available for obligation during the following fiscal year.

SURPLUS FOOD DISTRIBUTION

Sec. 612. The Commodity Credit Corporation shall process and distribute surplus commodities acquired by the Corporation for the purpose of carrying out the food distribution and emergency shelter program in cooperation with the national boards constituted pursuant to sections 601 and 602(b).

TITLE VII—TRANSITION TO INDEPENDENCE DEMONSTRATION PROJECT

AUTHORITY TO MAKE GRANTS

Sec. 701. (a) The Secretary of Housing and Urban Development shall make grants to States, local governments, or private nonprofit organizations for the operation of demonstration projects to develop and apply innovative approaches in providing transitional housing and supportive services to the homeless to assist them in the transition to independent living.

(b) Grants under subsection (a) may be made in the form of:

(1) annual payments for operating expenses of transitional housing, not to exceed 75 percent of the annual operating expenses of such housing;

(2) technical assistance in establishing and operating transitional housing and providing supportive services to the residents of such housing to assist them in the transition to independent living; and

(3) a one-time only non-interest bearing advance, not to exceed \$100,000, for the purposes of acquiring, rehabilitating, or acquiring and rehabilitating an existing structure for use in providing transitional housing, if the applicant agrees to utilize such structure as transitional housing for not less than 5 years. Repayment of such advance shall be waived if the applicant utilizes the structure as transitional housing for not less than the 10-year period following the initiation of operation of such transitional housing facility, or if the Secretary determines that such structure is no longer needed for use as transitional housing and approves the use of such structure for another charitable purpose for the remainder of such 10-year period. If the applicant fails to comply with the conditions for waiver of repayment, the

applicant shall repay to the Secretary in cash the full amount of the advance received on such terms as the Secretary shall require.

(c) Grants made under this section are to be used to supplement and extend currently available resources and not to substitute or reimburse ongoing programs and services.

APPLICATIONS FOR GRANTS

Sec. 702. Each application for a grant submitted by a State, local government, or private nonprofit organization shall contain—

(1) documentary material demonstrating that such applicant has the ability and resources necessary to operate transitional housing;

(2) documentary material describing the program and supportive services intended to be provided in such transitional housing, including the innovative quality of the proposed program;

(3) documentary material demonstrating that the State, local government, or private nonprofit organization involved has provided the emergency food and shelter program local board, constituted pursuant to section 605 of this Act, if such local board has been constituted in the locality where the proposed transitional housing will be located, an opportunity to comment with respect to this application, and a statement as to whether the local board approves or disapproves of such application and its reasons for any disapproval; and

(4) such other information or material as the Secretary shall establish.

ALLOCATION OF GRANTS

Sec. 703. In selecting States, local governments, or private nonprofit organizations for assistance in providing transitional housing under this title, the Secretary shall consider—

(1) the innovative quality of the proposal to provide transitional housing and supportive services to the homeless to assist them in the transition to independent living;

(2) the ability of the State, local government, or private nonprofit organization to develop and operate transitional housing for homeless persons and to provide supportive services to the residents of such housing;

(3) the need for such transitional housing and supportive services in the locality to be served; and

(4) such other factors as the Secretary determines to be appropriate for purposes of carrying out the demonstration project established in this Act in an effective and efficient manner.

DISTRIBUTION OF GRANTS

Sec. 704. (a)(1) Not later than 120 days after the beginning of each fiscal year for which Congress makes appropriation to carry out this title, the Secretary shall make grants under section 701.

(2) If the aggregate amount of funds requested in applications submitted and approved, during the 120-day period referred to in paragraph (1), is less than the amount of such appropriation available to make such grants, then the Secretary shall publish in the Federal Register a notice that additional funds are available for distribution under this title.

(b) The aggregate amount of all appropriations made to carry out this title shall be used to make grants under section 701 unless the sum of the administrative costs incurred by the Secretary to carry out this title and the aggregate amount of funds requested in applications approved under this

title is less than the aggregate amount of such appropriation.

PROGRAM REQUIREMENTS

SEC. 705. (a) Each State, local government, or private nonprofit organization receiving assistance under this title shall agree—

(1) to operate transitional housing assisting residents in the transition to independent living and limiting the stay of individual residents to not more than 6 months;

(2) to conduct an assessment of the supportive services required by the residents of such transitional housing to assist them in the transition to independent living;

(3) to employ a full-time residential supervisor with sufficient expertise to provide, or supervise the provision of, supportive services to the residents of such housing;

(4) to keep and make available to the Secretary such records of the expenditure of funds as the Secretary may require by rule; and

(5) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the demonstration project established by this title in an effective and efficient manner.

(b) Each homeless individual residing in transitional housing assisted under this title shall pay as rent an amount determined in accordance with the provisions of section 3(a) of the United States Housing Act of 1937.

REGULATIONS

SEC. 706. Not later than 120 days following the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to carry out the provisions of this title.

REPORTS TO CONGRESS

SEC. 707. (a) The Secretary shall submit to Congress—

(1) not later than 3 months after the end of each of the fiscal years 1986 and 1987, an interim report summarizing the activities carried out under this title during such fiscal year and setting forth any preliminary findings, conclusions, or recommendations of the Secretary as a result of such activities; and

(2) not later than 6 months after the end of fiscal year 1988, a final report summarizing all activities carried out under this title and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.

(b) Such interim and final reports shall address—

(1) the cost of operating transitional housing and providing supportive services to the homeless to assist them in the transition to independent living;

(2) the various types of transitional housing assisted under this title, including innovative approaches to assisting the homeless in the transition to independent living;

(3) the social, financial, and other advantages and disadvantages of transitional housing and supportive services as a means of assisting the homeless;

(4) the success of transitional housing programs assisted under this title, as measured in terms of placement of homeless individuals in permanent housing, placement in employment, and reductions in welfare dependency; and

(5) such other findings, conclusions, and recommendations as the Secretary deems appropriate with regard to assisting the homeless in the transition to independent living.

PROGRAM AUTHORIZED

SEC. 708. To carry out this title, there are authorized to be appropriated \$5,000,000 in fiscal year 1986, and there are authorized to be appropriated \$15,000,000 in each of the fiscal years 1987 and 1988.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 94 and concur therein with an amendment, as follows: In lieu of the matter stricken and proposed by said amendment, insert the following:

SEC. 416. Notwithstanding any other provision of this Act, amounts otherwise provided by this Act for the following accounts and activities are reduced by the following amounts:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

"Congregate services", \$29,700;
"Housing counseling assistance", \$38,500;
"Federal housing administration fund (limitation on gross obligations for direct loans under section 230(a) of the National Housing Act, as amended)", \$981,442;

COMMUNITY PLANNING AND DEVELOPMENT

"Community development grants (limitation on total commitments to guarantee loans)", \$2,475,000;
"Urban homesteading", \$132,000;

FAIR HOUSING AND EQUAL OPPORTUNITY

"Fair housing assistance", \$73,700;

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", \$120,494;

ENVIRONMENTAL PROTECTION AGENCY

"Salaries and expenses", \$6,000,000;

EXECUTIVE OFFICE OF THE PRESIDENT

"Office of science and technology policy", \$25,773;

FEDERAL EMERGENCY MANAGEMENT AGENCY

"Disaster relief", \$20,000,000;
"Salaries and expenses", \$4,000,000;
"National flood insurance fund (appropriation)", \$1,021,372;
"National flood insurance fund (transfer to 'Salaries and expenses')", \$96,360;
"National flood insurance fund (transfer to 'Emergency management planning and assistance')", \$503,250;
"National flood insurance fund (earmark, of transferred funds, for expenses under section 1362 of the National Flood Insurance Act of 1968, as amended)", \$52,558;

GENERAL SERVICES ADMINISTRATION

"Consumer information center (appropriation)", \$13,739;
"Consumer information center (limitation on administrative expenses)", \$17,941;

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", \$5,000,000;

NATIONAL CREDIT UNION ADMINISTRATION

"Central liquidity facility (limitation on loans)", \$6,600,000;
"Central liquidity facility (limitation on administrative expenses)", \$9,350;

SELECTIVE SERVICE SYSTEM

"Salaries and expenses", \$305,580;

DEPARTMENT OF THE TREASURY

"Office of revenue sharing, salaries and expenses", \$85,800;

VETERANS ADMINISTRATION

"Medical and prosthetic research", \$2,105,070;

"Medical administration and miscellaneous operating expenses", \$3,595,309;

"General operating expenses", \$23,195,660;

"Construction, minor projects (appropriation)", \$7,449,908;

"Construction, minor projects (limitation on expenses of the office of construction)", \$399,443;

"Grants for construction of State extended care facilities", \$242,000;

"Grants for construction of State veterans cemeteries", \$33,000;

"Grants to the Republic of the Philippines", \$5,500;

"Direct loan revolving fund (limitation on direct loans)", \$11,000.

SEC. 417. Any funds appropriated in a previous Act for construction grants under Title II of the Clean Water Act shall be made available immediately and shall not be limited to phases or segments of previously funded projects.

This Act may be cited as the "Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1986".

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. BOLAND].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 203. Concurrent resolution authorizing printing of the brochure—entitled "How Our Laws Are Made".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1042) "An act to authorize certain construction at military installations for fiscal year 1986, and for other purposes."

The message also announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 583. An act to authorize the Smithsonian Institution to plan and construct facili-

ties for the Cooper-Hewitt Museum, and for other purposes;

S. Con. Res. 80. Concurrent resolution to authorize the printing of 2,000 additional copies of the Committee Print of the Committee on Armed Services (99th Congress, 1st Session) entitled "Defense Organization: The Need for Change";

S. Con. Res. 84. Concurrent resolution to authorize the temporary placement of a bust of the late Doctor Martin Luther King, Jr., in the rotunda of the Capitol for dedication ceremonies, and for other purposes; and

S. Con. Res. 85. Concurrent resolution to authorize the compilation and printing of the Bicentennial Edition of the Biographical Directory of the United States Congress.

TEMPORARY PUBLIC DEBT LIMIT INCREASE AND RESTORATION OF INVESTMENTS OF CERTAIN TRUST FUNDS

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 318

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider the bill (H.R. 3721) to temporarily increase the limit on the public debt and to restore the investments of the Social Security Trust Funds and other trust funds, in the House, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT] for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 318 provides for the consideration of H.R. 3721 in the House and waives all points of order against consideration of the bill. The 1 hour of debate is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides one motion to recommit.

Mr. Speaker, H.R. 3721 provides for a temporary increase in the public debt limit of \$80 billion, which will allow the Government to function through December 13, 1985. In addition to providing the necessary increase in the debt limit, H.R. 3721 requires the Secretary of the Treasury to restore to the Social Security Trust Funds and any other trust fund, the securities that have been disinvested since September 30, 1985. According to

Social Security Administration actuarial, the recent redemptions could mean as much as \$875 million in lost revenue by the year 2000.

In fact, redemptions that occurred on 1984 bonds, which were subsequently replaced, will cost some \$440 million in lost interest by 1991.

Disinvestment of the Social Security and other trust funds has already occurred. Even with this disinvestment it is clear that the Government faces an impending financial crisis absent an extension of the debt ceiling. H.R. 3721 averts that crisis by temporarily extending the debt ceiling by \$80 billion, allowing the Government to function and to meet its obligations through December 13, 1985.

As my colleagues are aware, the House and the other body are currently in conference over legislation permanently extending the debt ceiling. With this extension, we will be able to reasonably proceed with the matters that have delayed the final disposition of legislation permanently extending the debt ceiling.

Mr. Speaker, I ask that all Members support this rule so that we can proceed to the consideration of this important legislation.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this rule is to make in order a bill which will move the "drop-dead date" to Friday, the 13th of December. Of course, what we mean by "drop-dead date" is the date on which the Government would default rather than be able to honor its financial obligations. We cannot allow this to occur because the financial stability of this country and indeed the free world depends upon the U.S. Government honoring its obligations.

Late yesterday, the Ways and Means Committee reported H.R. 3721 to temporarily increase the debt limit from \$1.824 trillion to \$1.9 trillion, and to direct the Secretary of the Treasury to fully restore the Social Security and any other trust funds disinvested since September 30 of this year.

Mr. Speaker, last night the Rules Committee met and granted this rule providing for the consideration of H.R. 3721 in the House instead of the Committee of the Whole. There will be 1 hour of debate, divided between the chairman and ranking minority member on the Ways and Means Committee. And the previous question is ordered on the bill to final passage without intervening motion, except one motion to recommit. That means that no amendments will be in order unless offered as part of instructions in a motion to recommit.

Mr. Speaker, ordinarily I would be opposed to this pattern of piddin' and procrastinatin' with short-term extensions. At the rate we're going, we could wind up short-terming ourselves

through Christmas and into the New Year on a variety of expiring laws. But, in this instance, I think there are two compelling circumstances which argue strongly for a 1-month extension of the debt limit.

First and foremost is the Geneva summit meeting between President Reagan and Mr. Gorbachev. I don't think anyone wants to send the President into such an important, foreign policy conference with the Government teetering on the brink or over the brink of financial default. That's not exactly leading with your strong suit. The bipartisan leadership in the House concluded yesterday, and I fully concurred, that this further short-term extension of the debt limit was in the best interests of our country at that summit meeting.

The second reason I support this extension has to do with the ongoing House-Senate conference over the permanent increase in the debt limit and the so-called Gramm-Rudman deficit reduction plan. Yesterday the new conference of 66 House and Senate Members was broken down into a smaller, informal working group of 29 conferees. As a member of that mini-conference, I was impressed at yesterday's opening round that both sides are finally talking with and listening to each other, and that we are finally making some progress toward a workable compromise.

But it was also apparent from yesterday's public and private sessions that there are numerous major, substantive differences which remain between the House and Senate versions of Gramm-Rudman, and that it will take more than just 2 days to resolve them all. But, I am optimistic that if we keep the pressure on our conferees and keep at these working sessions in an intensive manner, we can iron out our differences and come up with a deficit-reduction plan we can be proud of. We've come a long way in 1 short week, from loggerheads to cooler heads. And I think the cooler heads can now prevail.

In conclusion, Mr. Speaker, I support this short-term extension of the debt limit bill both for the sake of the arms reduction talks in Geneva and the deficit reduction talks here in Washington. I hope by our actions here today we can contribute to the success of both.

The Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. HOPKINS].

□ 1245

Mr. HOPKINS. I appreciate the gentleman yielding.

Mr. Speaker, I guess for those who might want to just read into the RECORD as to why we are where we are and perhaps where we are going, is it not true that we have changed the

dates now I believe four times in the last 100 days? Is that accurate? Does somebody on the committee know if that is true or not? Have we extended this time four times in the last 100 days?

Mr. LOTT. If the gentleman will yield to me on that, I do not think that is the case with regard to the debt ceiling. We did not have the Federal Financing Bank that was used, and then there was the situation with the Social Security Trust Fund, which we are trying to correct with this rule and this bill. I think the gentleman may be confusing that with the continuing resolution, which we have changed now at least a couple of times, and I guess if you put the continuing resolution, which is a separate issue—it has to do with appropriations bills—that has probably been done two or three times, and maybe a combination of the two of them might add up to four; but on the debt ceiling, I believe this is the first one that we have actually had a vote on a temporary extension this year.

Mr. HOPKINS. I thank the gentleman.

Again for those people who may just want to read into the RECORD—and I heard the gentleman from Georgia in his 1-minute speech this morning talk about the increase of this debt to \$1,940 per family in this country—those people have a right to know why, perhaps, we find ourselves in this position and, basically, from whom are we borrowing this money, who is this guy, where do we get this money?

Does somebody have an answer to that?

Where are we going to get this money?

Does anybody on the committee have an answer?

Does anybody on the floor have an answer to that question?

The SPEAKER pro tempore. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

Mr. HOPKINS. May I have an additional 2 minutes?

Mr. LOTT. Mr. Speaker, I must say that the gentleman is asking questions that perhaps members of the Ways and Means Committee could answer. This is the rule. I cannot give the gentleman an answer on that as much in depth as the gentleman would like to have.

I yield 2 additional minutes to the gentleman from Kentucky.

Mr. HOPKINS. I appreciate the gentleman yielding.

Let me ask this question, and perhaps members of the Rules Committee might be able to answer: If in fact we go into default, as would happen, I believe, this week, if something is not done, in that unlikely event, but should that happen, in what order would the people of America not receive checks? Who would be the first

group not to receive a check that they might be entitled to from the Federal Government? Would it be the veterans? Would it be the senior citizens? What group could we expect first not to receive their Government checks? Could somebody tell me that?

Mr. LOTT. If the gentleman will yield, I would be glad to yield to the gentleman from Oklahoma, but I might say, in answer to his question, there would be a default on Government securities. I think that military salaries, Federal employees' salaries, farm subsidies, HHH payments, all of that would begin to hit Friday or Saturday or sometime in the next 2 or 3 days and, hopefully, the Gramm-Rudman conference can reach an agreement by tomorrow night. I do not see it. But those are some things that could be affected.

Mr. HOPKINS. I appreciate the gentleman's answer. But what I was really looking for, and I guess what I am seeking, is that we name the people who are going to be affected who are really not at fault. Those are just taxpayers out there. I wonder if there was any consideration given to reach a satisfactory conclusion in this body, since the Senate and the House do not seem to be able to agree, was there any consideration given at all to taking away the checks of Members of Congress and the staff until this thing is settled? Did anybody consider that at all as a solution? Does anybody have an answer to that? Is there a possible amendment to that effect?

The SPEAKER pro tempore. The time of the gentleman from Kentucky [Mr. HOPKINS] has expired.

Mr. HOPKINS. Could I have 1 additional minute?

Mr. LOTT. Mr. Speaker, the gentleman is asking questions that he is not going to get answers to, apparently, from this group. I assume that in the general debate he would want to propound that question again to members of the Ways and Means Committee. But I would be glad to give him 1 additional minute to ask some questions.

Mr. HOPKINS. I appreciate the gentleman yielding.

PARLIAMENTARY INQUIRY

Mr. HOPKINS. Maybe the Chair could help me with this in a parliamentary procedure.

Would it be out of order to offer an amendment to that bill whereby the first thing that would be set aside until this thing is settled would be the checks of the Members of Congress and their staffs? Could the Chair answer that for me?

The SPEAKER pro tempore. No amendments are in order under the rule, if the rule is adopted.

Mr. HOPKINS. So we would have to vote against the rule in order for that to happen; is that correct?

The SPEAKER pro tempore. The gentleman would have to make his conclusion on that.

Mr. HOPKINS. Was there any consideration given—I am just asking either side—to that at all? Was that ever brought up or even considered by anybody?

Mr. BONIOR of Michigan. It was not raised at the committee meeting.

Mr. HOPKINS. Does the gentleman on the minority side know, was that issue ever brought up by anybody, to his knowledge?

Mr. LOTT. I do not believe it was raised in the committee.

Mr. HOPKINS. I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, we are being asked to vote today to raise the debt of the average American family by \$1,600 without having first taken any steps to control spending and work toward a balanced budget.

I think there are four reasons to vote against this debt increase.

In the first place, there is currently no strategy that makes any sense that anyone can discern out of either the executive branch or this House that gets us toward controlling strategy, toward controlling spending.

The fact is that yesterday we overrode a veto, because the veto did not make any sense, of the National Institutes of Health. Today we accepted a conference report which had an increase from the President's request in one item of \$5 billion to a total of \$15 billion. We have been on a track to have deliberately forced a collision on the debt ceiling in order to pass a spending cut. Now we have suddenly reversed fields and are deliberately avoiding any kind of collision on the debt ceiling in order to be able to go to Geneva.

In the absence of a strategy, I do not see any reason why we should burden the American families with \$1,600 more in debt because we cannot get our act together.

Second, from a conservative standpoint, flinching is a very bad habit. There is always a new excuse. The current excuse is that the President is going to Geneva.

Frankly, I am not so sure it is bad for Gorbachev to have to study democracy in action. I am not so sure it is wrong for Gorbachev to see that democracies are complicated, difficult, and cantankerous institutions, radically different from dictatorships, beyond which, candidly, at any point in the last 5 weeks, including this week, had President Reagan wanted to go on national television and explain to the country what the choice was and deliberately arouse the Nation, I suspect we could have passed Gramm-

Rudman. I think the conservatives have an obligation to say, "Let's not flinch, let's go ahead and stand firm and not raise the debt of the American family \$1,600 without doing our job."

Third, there is some concern that because the words "Social Security Trust Fund" appear in this bill that the Democratic Congressional Campaign Committee will send out newsletters attacking people. Well, the fact is they are going to send out newsletters anyway. The fact is that press releases are a habit on both sides of the aisle, and the more important question is: What should you really do?

Congressman ARCHER of Texas has a bill in, H.R. 3688, which provides both for full restoration of the Social Security Trust Fund and prohibits the Secretary of the Treasury from ever again doing what he did. That is a good bill. It is a perfect answer for any kind of Democratic Congressional Campaign Committee press release. Voting for this should not be done as a form of blackmail.

Finally, conservatives in general and Republicans in particular, it seems to me, face a choice. We either learn to run and hide, vote for whatever the establishment sends out here because it is worded cleverly, or we learn to win the argument.

The correct argument is that the American people have enough debt, the Congress is irresponsible enough, that in fact we do not need to increase the debt of every American family \$1,600, that now is the time to solve the problem. And, after all, would it not be far better to give President Reagan the victory of going to Geneva having passed Gramm-Rudman rather than giving him the temporary and phony truce of going to Geneva with seeming peace in America because in fact we all caved in and did what was necessary to paper it over for 30 days?

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume just to respond briefly to the gentlemen who have spoken on the other side of the aisle.

The fact of the situation is this: If the Government goes into default, no one is going to get paid. Members of Congress will not get paid, staff members will not get paid, veteran pensioners will not get paid, Social Security recipients will not get paid. Disabled American veterans will not get paid. And we are trying to facilitate a very difficult situation, trying to help those in the conference come to some reasonable conclusion on a very important issue and a very difficult problem.

To the extent that we need extra time, as the gentleman from Mississippi has indicated, to help facilitate that need, I think we ought to go forward and do that.

Now, wrapped up in all this, by coincidence, by timing, by whatever, are the needs of our Chief Executive, who

is leaving for Geneva for a very important meeting. And, as the Speaker indicated earlier today and the minority leader, we need to stand behind our Chief Executive, as Americans, and it is important that he be not encumbered with the difficulties and distractions that a default would certainly play upon him and the people that are surrounding him.

So I think, putting this all together, it makes just a tremendous amount of sense, it seems to me, anyway, that we go along with this rule and that we passed this temporary limit to roughly \$80 billion until the 13th of December.

Mr. Speaker, I yield 8 minutes to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. Mr. Speaker, I want to commend the leadership of both political parties here in the House for adopting a sensible approach to this deadline on the debt limit that we are coming upon. I do not like these temporary extensions of debt limit authority, but I think it is much more insane to be playing Russian roulette with our fiscal management and try to come to an agreement in the very wide differences among and between the parties and the two Houses of Congress on this balanced budget amendment.

There are some wide differences. There are some very legitimate differences in terms of when does this deficit reduction bite take place, does it take place before the 1986 elections or after, who is going to be the umpire to determine whether the targets are met, will it be the Congressional Budget Office or the Office of Management and Budget?

There are a number of questions like that that take some reasonable sitting down and working out a reasonable compromise.

That, literally, cannot be done, as the gentleman from Mississippi said, in the timeframe we have between now and Thursday midnight, when this country defaults on its obligations.

So this is a sensible approach to make.

I would point out that the differences I talk about in the Gramm-Rudman balanced type amendments are mainly differences in determining the right kinds of mechanics to make the thing work. There are very few differences of opinion on the need to have some discipline imposed on the President and on Congress to reach a balanced budget by 1990 or 1991.

So I support this temporary extension of borrowing authority to give the sides more time to work out a responsible solution and a mechanism that will make the thing work both responsibly, mechanically and constitutionally.

But let me suggest to my colleagues that this extension to December 13

will be useless in terms of coming together with a meaningful deficit reduction mechanism unless and until the President of the United States, the Speaker of the House and the bipartisan leadership of both Houses of Congress get together and put everything on the table and come up with a truly meaningful deficit reduction package.

I have suggested, as well as others, that the best way to do this is an economic summit meeting where the President, the Speaker and the bipartisan congressional leaders sit down in the same room and do not leave until they come up with a bipartisan solution. I think if this were to occur, after the President comes back from his Geneva summit, and we got this kind of domestic economic summit going, I think both the expectations of the American people and the pressure the American people would bring on the political leadership of this country would be such that we could come out with a very good agreement that could balance the budget over the next 5 years or so.

□ 1300

That is the goal that we ought to be aiming for. It is obvious when we discussed this temporary extension in the committee that this was not something appropriate to put a mandate of a domestic economic summit on this legislation. But I would hope that my colleagues would encourage both sides of the aisle, both political parties and the White House to adopt this concept so that we could come together and come up with a very good package.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman.

Mr. VOLKMER. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to commend the gentleman from Oklahoma for his very timely remarks. As I have listened to some of the debate here on the question of the rule and the legislation that the rule addresses, the need for it, I have not had anyone yet address the problem of how much it is actually going to cost the Federal Government if we do go into default and the ramifications of that.

I think we have got to realize that that alone would be an additional billions and billions of dollars in default or in expense to the budget, and that we should realize that and that also it would probably encourage other nations to decide that if the United States does not have to pay its obligations when they are due, then we do not have to pay ours either. So I think it is very necessary that we take this step at this time.

Mr. JONES of Oklahoma. I think the gentleman makes an excellent point.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, I wonder if the gentleman can tell me just what it costs us in interest as a result of the disinvestment of long-term bonds from the Social Security Trust Fund. I presume that they were 12-, 13-, 14-percent bonds procured at a time when interest rates were very high, and of course, the bond rate is very much lower at this time.

Does the gentleman have any idea how much in millions of dollars it cost us in interest?

Mr. JONES of Oklahoma. The disinvestment from the Social Security Trust Fund that has already occurred in September and October and November 1 of this year cost the Social Security Trust Fund over the next 5 years as much as \$2 billion. If you project that out to the year 2000 when these long-term, higher yield securities would have matured, it could cost the Social Security Trust Fund \$5 billion or so.

Mr. HUGHES. If the gentleman would yield further, obviously this could have all been avoided if in fact we had extended this on a short-term basis? We could have avoided all this accrual, loss of interest on the part of the Social Security Trust Fund?

Mr. JONES of Oklahoma. The gentleman is correct. The fact is that in order to make the Social Security Trust Fund whole, as I assume this Congress will demand, it is going to cost some additional borrowing authority and cost some additional money to make it whole again.

Mr. HUGHES. If the gentleman will yield further, where is that going to come from? I heard a lot of questions asked a little while ago by one of my colleagues about where the money is going to come from. Obviously, it means that we are going to have to float more bonds, roll over more Treasury notes and bill in order to amass that kind of money to make the Social Security Trust Fund whole?

Mr. JONES of Oklahoma. The gentleman is correct. The Treasury will have to go into the marketplace, the financial markets, and raise the money. That will further crowd out private borrowing that will also be competing for credit that is available in the financial markets.

Mr. HUGHES. If the gentleman will yield further, I would assume that if in fact we have to go into the markets once again to borrow enough money to make the Social Security Trust Funds whole, that will add an additional \$2 to \$5 billion to the deficit.

Mr. JONES of Oklahoma. That would be my judgment.

Mr. HUGHES. I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to comment on the colloquy that I just heard. We continue to have this discussion around here about how this Social Security disinvestment occurred.

Let me first emphasize that if the House and the Senate had gotten together on the Gramm-Rudman conference report, if we had not had that exercise with 48 conferees 2 weeks ago, this whole process would not have been necessary.

The conferees did not even get serious about sitting down and discussing this thing until yesterday. The second point I have is if the House, on November the 1st, had not adjourned and high-tailed it, disinvestment may not even have been necessary. But we passed a defective debt ceiling increase here in the House and sent it over to the Senate and passed the adjournment resolution and left town. I am not going to stand here while we are trying to do something here that is basically right for the good of the country, and allow that issue to continue to be pounded on and distorted when, look, there is plenty room around for everybody to point fingers. I am not going to talk about, I did not intend to talk about how we got here. I am talking about trying to find a way to be responsible on the debt ceiling tomorrow night, and I am also talking about trying to find a way to make sure the Social Security Trust Fund is whole.

I am not going to allow distortions to continue to be propounded here on the floor.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman.

Mr. JONES of Oklahoma. I hope the gentleman was not referring to anything I said as a distortion because what I said was what the financial facts were with regard to disinvestment. I was not trying to lay blame; there is plenty of blame on both sides of this aisle and both sides of the aisle in the other body.

The point is, one correction I would like to make, the temporary debt extension that we sent over was not defective.

Mr. LOTT. Reclaiming my time, as a matter of fact, the Speaker, in an unusual process, by unanimous consent by him, corrected the RECORD to make sure the RECORD reflected what we thought we were passing. As a matter of fact, I asked the question in the Rules Committee last night of the chairman of the Ways and Means Committee about whether there was a problem with it, and he acknowledged as much, at least in the view of the Senate, that they felt like there was a hole there big enough to drive a Mack truck through, and that that problem

had been taken care of in this resolution.

Mr. JONES of Oklahoma. If the gentleman would yield further, the only thing I was trying to point out is that when I read that in the paper, I had checked on that also with the Parliamentarian. It was my understanding that the document itself was not defective but what was printed in the CONGRESSIONAL RECORD was defective. That I think is a minor point.

The point is that is the sensible thing to do.

Mr. LOTT. In this particular resolution.

Mr. JONES of Oklahoma. In this resolution. The default that comes up Thursday presumably will not be a further invasion of the Social Security Trust Fund. We do have to make that whole. It has not cost the Social Security Trust Fund money. I am not trying to lay blame; those are the facts of life.

Mr. LOTT. I appreciate the gentleman's comments there, and I agree with him in his comments on the debt ceiling and the fact that we need to make that correction.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman.

Mr. HUGHES. I thank the gentleman.

Mr. Speaker, I do not disagree with what the gentleman has said. In fact, the gentleman made an eloquent statement on the floor about the work of the conference, and I quite agree: We had resolved about three-fourths of the issues in conference, and I shared the gentleman's distress that he alluded to when he took the well, just a week ago, over the fact that all of a sudden it just fell apart for no apparent reason. I shared the gentleman's disenchantment with what occurred.

I say to the gentleman that when he suggests that the debt limit was flawed the other body had ample time to bring that to our attention; we could have resolved that. The other body had our debt limit extension for some time and they could have dealt with it a long time before they did, but they chose not to do so.

So as a result they point to certain defects in the report, but that occurred after they had the debt extension for a long time. Is that not so?

Mr. LOTT. I would like to point out that in the bill we are considering today, on line 6, the word "temporarily" is in there. The bill that we had earlier on November the 1st I understand did not have that word in there, and therefore it left open a very serious situation.

Mr. HUGHES. If the gentleman will yield further, I understand, and the gentleman probably makes a valid point. But my point is that the other

body had ample time to deal with that and they did not do it. They waited until the 12th hour.

Mr. LOTT. As a matter of fact, the House adjourned and left town before the Senate even got our papers over there.

□ 1310

Mr. HUGHES. But they had our debt limit extension for a long time before that as part of our budget; did they not?

Mr. LOTT. I am not sure what the gentleman is referring to.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, is the gentleman suggesting, with regard to the debt ceiling increase that the Senate had all this time, that what he wanted to say was that that is the position he takes, to just go ahead and increase the debt ceiling?

Mr. HUGHES. Oh, no.

Mr. MACK. Without any conditions attached to it except for Gramm-Rudman?

Mr. HUGHES. No.

Mr. MACK. Because that is what the debate is about. If that is your party's position, then so be it, state it that way. But what did happen is that you passed the short-term debt extension and then left town before the Senate could act.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, I do not want to prolong the debate. The point is that we passed the debt limit as part of our budget a long time ago. We had ample time to deal with it, and if there was a flaw in it, we could have resolved it a long time before the 12th hour. That is the only point I want to make.

Mr. LOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think that maybe the point needs to be emphasized that, yes, we passed the debt limit as a part of our budget bill, and that is what the Senate did take up, and that is what they attached balanced-budget language to in order to try to guarantee that we are going to do something about debt in the future. So to suggest that that is the problem is to suggest that what the liberals in this body do not want to do is do anything about attaching balanced-budget language to the debt ceiling.

I guess that that is probably really the case, because every time we come up to one of these situations where we have a wall to be faced and have to face the reality of whether we are going to increase the debt ceiling

again or really deal seriously with balanced budgets, we always get something out here on the floor to slide by the balanced budget and increase the debt again.

That is what we are doing here. We are increasing the debt by \$80 billion. None of my constituents understand what \$80 billion means, but they do understand one thing: They understand what \$1,600 worth of debt for their family means, and that is what we are doing. With our vote today, regardless of all the Social Security talk, whatever you hear, we are imposing \$1,600 worth of additional debt on every family of four in this country. Everybody in your district is now going to assume \$1,600 worth of debt more than what they had before, and that is a big, big chunk of money for most families. Most families think long and hard about taking on \$1,600 worth of debt themselves. They think about that. It is a major appliance for their home; it is something that they really have to do; it is educating their kids, it is all of that, and \$1,600 means a lot to a family that only makes \$17,000 a year on an average.

That is what we are talking about here, and everybody who votes for this rule, everybody who votes to increase the debt ceiling, is in fact imposing another \$1,600 worth of debt on Americans that they do not now have.

We had a very esoteric discussion here a few minutes ago about going into the markets and borrowing. Every bit of this \$80 billion is going out in the markets and borrowing, and we are borrowing in the name of the American people to the tune of \$1,600 for each family of money that they do not have, and we are then going to ask them to pay interest on it as well.

It seems to me we are acting very cavalierly around here about the kinds of costs that we impose on those families. We have already put \$37,000 worth of debt on them by what we have done in the past, and now we are saying with this bill that we are going to put on another \$1,600 without even a guarantee that we will do something in the future to stop this process.

That is the point. If we are going to pass increases in debt around here, at the very least what we ought to be able to say to the American families is we are going to stop the process somewhere along the line, we are going to get our house in order, and we are going to do something to stop imposing more and more debt on them that they cannot afford.

That is what we are not willing to do here. This bill is just a clear indication that we are unwilling to do anything except raise debt ceilings again. We raised the debt ceiling last week, and here we come back this week with another debt-ceiling increase and we will probably come back again on December 13 with another. We will continue

to increase debt as long as we possibly can.

Mr. HOPKINS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Speaker, I thank my colleague for yielding.

When the gentleman makes the point or asks the question, how do we stop this, it seems to me the best way to stop it is to get this House and Senate together, which we are not able to do.

I asked just a few minutes ago if anyone gave any consideration to putting Members of Congress and their staffs up front. In other words, if there is going to be bad news, let us get it first. If checks are going to be cut off, they ought to be cut off right here first.

That is why I hope the Members will join me in attempting to stop this rule so an amendment can be offered or can be at least considered that says if we are really sincere about doing something, let us not put the veterans' checks up first or the senior citizens' checks up first; let us put the Members of Congress' checks up first if we want to stop this and if we want to see these two bodies stick together.

Mr. WALKER. Mr. Speaker, the gentleman knows, of course, that we have an automatic pay plan around here for Members of Congress. It not only pays us automatically, it also increases our pay automatically, so we never get a chance to vote on issues like that. I think it would be very worthwhile to vote on that issue to make certain, if we are going to increase the debt to American families by \$1,600, that somehow we also should be a part of the process.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let us try to put this thing in perspective. I have been around here for about 11 years now. We passed something on this side that said we would balance the budget in 1980. But the cry has come up now that "This is too soon; you can't do it."

I remember on past occasions when there was a gentleman from California who year after year offered a balanced-budget amendment now, one that said, "Do it now."

As for voting on this and leaving town, I have never known the other body to act that quickly on anything. If we want to be political about it, which seems to be the vogue around here now, why did they not act on it and blast us in the press? They had no intention of acting.

So let us get down to the nitty-gritty and pass this debt extension. We have

got to pay our bills. Everybody knows that. Whether it affects Members of Congress pay or Social Security or veterans or what have you, let us get past the rhetoric and get this passed. But let us not forget that it was not irresponsible to leave town, because the other body has never been known to act on anything in a couple of hours and come back and say, "Fellows, we've done it." So that is a ridiculous argument.

I say, "Come on, guys, let's get on with the business."

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, let me say to my colleagues that I am going to support this rule, and I am going to support the temporary extension of the debt ceiling. If it were not for the fact that the President was about to take off for a very serious negotiation in Geneva, I would not be here making that case. Let me bring the Members up to the reasons for my coming to this conclusion.

Yes, we had a debt ceiling that was held up somewhat over in the other body, for one reason. They felt strongly earlier in the year, when they wanted to do something about deficit reduction, that they were had—not one time but two times—for a variety of reasons. They wanted to force on the entire Congress a program for deficit reduction in an orderly manner.

When it first came over, when it first surfaced, I heard that it was to include Social Security and it was to be for 5 years, roughly in \$40 billion increments. My first reaction to that was that it was too much for the House to take. First, Social Security would never fly in the House. Second, the \$40 billion increment was far too much. It needed to be something less than that. That is how we got to stretching it out to 6 years and excluding Social Security.

Then we got the argument on this side of the aisle: "Oh, you're only doing it for politics, to protect yourself, or whatever, for next year's election, so let's make it effective in fiscal year 1986."

I have no problem with that if you are going to be reasonable in using your baseline figures from which you make your calculations. But we have this ridiculous figure of \$161 billion when a few months ago we already said our budget was going to have to be at \$172 billion of deficit, and in the meantime we have had \$8 billion less revenue. If you want to talk frankly about what is really the realistic figure for the deficit in fiscal year 1986, it is up about \$185 billion. You can ask CBO or OMB or the Comptroller General, whoever you want to ask, but you have got a fetish about relying solely on CBO.

Within the last week, when I asked them, "Well, now, let's implement that doggone \$161 billion. How much do we take out of the CR?" It was 8.2 percent. Three days later or so, after making that case up in the Rules Committee, your leader or one of your leaders—I think it was the gentleman from Washington [Mr. FOLEY]—asked for another calculation. It comes down to about 2.8 or 3.2. The point is that within a few days CBO, upon which we are all supposed to rely, is having the most omnipotent figures and was way off within 3 days.

The point is that they do not have it all up to date, even as much as OMB.

So what I am talking about here is that when you crystallize this all down, our earlier meetings of the conference committee admittedly, as my friend, the gentleman from Mississippi, has pointed out, were far too large to get real reasonable action. Nevertheless we broke down into several task forces, and we ironed out some of those differences that really existed and, frankly, that needed to be cleaned up from the original Gramm-Rudman. It needed to be doctored up.

□ 1320

And that is agreed to by all sides. I would say that we have agreement on a number of those items that had to be cleaned up.

Now we get down to the nitty-gritty. What is really the real difference? And the difference is that Gramm-Rudman basically only exempts Social Security, or did.

Now the argument is that on this side, but in order to get a sufficient number of Democratic Members, you have to exempt some other programs, maybe nine in number. And when you total that number up and exempt Social Security, and then if we cannot meet our targets and have to sequester from what is left, it takes an inordinate amount of defense. If there is one item that is still the nagging point here, it is how the administration and the President can live with that defense figure in Gramm-Rudman, if you really want to be frank and honest about it.

Yesterday, as late as yesterday, the President with our joint leadership meeting said, "I feel we have had what I agreed to is zero growth in 1986," earlier on, which is a considerable come-down from what he was talking about earlier, 3 percent growth in 1987, 3 percent growth in 1988. He does not get that under Gramm-Rudman, first, second, third, or whatever. And you all ought to understand that. That is what this thing is all about.

I am not about to send my President abroad with any kind of calculation that indicates what he is going there from a position of strength, from a position of economic strength, and have

us cut the ground out from under him within a couple days of that meeting. I am not going to do that. That is why I am here arguing for a temporary ceiling increase until that can get behind us, and then we can get back up here and I will be just as strong getting up against that deadline, because we have to have a drop-dead deadline or we never do anything around here.

It is just unfortunate that under these circumstances, that is what we are faced with today. That is what it is in a nutshell form. That is the issue.

So that is why I have to get up here arguing for this rule and arguing for this temporary extension. I hope when we get over this conference, after the Thanksgiving recess and all the rest, hopefully we will be charitable enough in mind a few weeks before Christmas that we can talk in terms of compromising.

That is what this whole art of differences between that body, this body and the two sides of the aisle are all about.

Mr. BONIOR of Michigan. Mr. Speaker, in conclusion, I would urge my colleagues to support the reasonable request that the President has made, that Mr. LOTT has made, and that our leadership has made, and that we pass this resolution and that we go on and pass the temporary extension of the debt limit.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

For what reason does the gentleman from Kentucky rise?

PARLIAMENTARY INQUIRY

Mr. HOPKINS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOPKINS. Mr. Speaker, how do I make in order at this time an amendment simply stating that in the event of default that Members of Congress and their staff checks would be up front?

The SPEAKER pro tempore. Only by unanimous consent, and the Chair would state that the gentleman from Michigan moved the previous question. The previous question has been ordered at this point, at any rate.

Mr. HOPKINS. Would it take an unanimous-consent request?

The SPEAKER pro tempore. The question is on the resolution.

Mr. HOPKINS. I am sorry. I did not hear the Chair.

The SPEAKER pro tempore. The Chair is putting the question now on the adoption of the resolution. The previous question has been ordered. Nothing is in order now except putting the question.

The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEPHARDT. Mr. Speaker, pursuant to House Resolution 318, I call up the bill (H.R. 3721) to temporarily increase the limit on the public debt and to restore the investments of the Social Security Trust Funds and other trust funds.

The Clerk read the title of the bill.

The text of the bill, H.R. 3721, is as follows:

H.R. 3721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on the date of the enactment of this Act and ending on December 13, 1985, the public debt limit set forth in subsection (b) of section 3101 of title 31, United States Code, shall be temporarily increased by an amount determined by the Secretary of the Treasury as necessary to permit the United States to meet its obligations. The Secretary of the Treasury shall immediately upon enactment restore to the Social Security Trust Funds, or any other trust funds established pursuant to Federal law, any securities disinvested since September 30, 1985. No increase under this Act shall result in a public debt limit in excess of \$1,903,800,000,000.

The SPEAKER pro tempore. Under the rule, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 30 minutes, and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

GENERAL LEAVE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on the bill, H.R. 3721, presently under consideration.

The SPEAKER pro tempore. Is that objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, H.R. 3721 temporarily increases the debt ceiling by \$80 billion. The new limit would be \$1,903.8 billion. This amount will be sufficient for the Government to meet its financial obligations through December 13, 1985, at which time the debt ceiling would revert to its current limit of \$1,823.8 billion. It also provides sufficient debt authority for the Secretary of the Treasury to replace the securities recently disinvested from the Social Security trust funds and other trust funds. Indeed, this legislation directs the Secretary of Treasury to restore those securities to the trust funds.

This action is necessary because there are no funds available to meet the \$16.5 billion interest payment on various debt obligations that comes due on the 15th, this Friday. As Members are aware, action on a permanent

increase on the debt ceiling sufficient to meet the Federal Government's need for funds through this fiscal year has been delayed by the conference on the Gramm-Rudman amendment. The conferees have made some progress, but came yesterday to the realization that more time will be necessary to work out a procedure designed to put us on a path toward a balanced budget. I believe there is bipartisan support for taking this action at this time. As the President leaves for a summit meeting with Mr. Gorbachev, he should not have to confront the possibility that, for the first time in its history, the Federal Government might default on its fiscal obligations.

As I indicated earlier, this legislation directs the Secretary of the Treasury, in effect, to restore the Social Security and other trust funds to the position they would have been in were it not for the constraints recently imposed by the debt limit. The Treasury disinvested, that is, certain securities held by the trust funds were redeemed which would not have been redeemed under normal procedures. This legislation will reverse those actions. It will not, however, restore to the trust funds the interest payments that they would have received under normal conditions. Such a restoration would require an appropriation. It is my expectation that any agreement reached by the conference committee on Gramm-Rudman will provide for a full restoration of those interest payments. I urge my colleagues to support H.R. 3721.

Mr. Speaker, I include the following explanatory material:

INCREASE IN LIMIT ON PUBLIC DEBT

The Committee on Ways and Means, to whom was referred the bill (H.R. 3721) to increase the statutory limit on the public debt temporarily, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

I. SUMMARY

H.R. 3721 provides for a temporary increase in the public debt limit from \$1,823.8 billion to \$1,903.8 billion. The temporary higher limit may be in effect for the period from enactment through December 13, 1985.

The bill provides that the amount of outstanding debt may be increased by an amount necessary to permit the United States to meet its obligations, as determined by the Secretary of the Treasury.

In addition, the bill also instructs the Secretary, immediately upon enactment, to restore to the Social Security Trust Funds, or any other trust funds established under Federal law, any securities disinvested since September 30, 1985.

II. EXPLANATION OF PROVISIONS

A. Increase in the public debt limit

Present Law

The present permanent limit on the public debt is \$1,823.8 billion. A permanent limit has no expiration date.

Reasons for Change

Under the present debt limit, the Secretary of the Treasury has not been able to borrow sufficient funds to meet all of the Federal Government's obligations to make payments or to invest trust fund balances in U.S. securities.

As of November 1, 1985, the Secretary was able to finance payments to beneficiaries of the social security and other Federal trust funds by disinvesting securities in the trust fund reserve balance accounts. Without taking these steps, benefit payments could not have been made under the present permanent debt limit.

On November 15, 1985, the Secretary must pay \$16.5 billion in interest on various U.S. debt obligations. Failure to make such payment would be a default on the obligations. This has never happened in the history of the United States.

Explanation of Provision

The bill authorizes the Secretary of the Treasury to incur up to an additional \$80 billion (to a total of \$1,903.8 billion) in Federal debt obligations in order to make the payments of \$16.5 billion of interest payments due on November 15, 1985, to restore disinvested securities to the social security and other trust funds, and to make other necessary payments as they arise.

The increased debt authority is available through December 13, 1985, and after that date, the limit reverts to the permanent limit of \$1,823.8 billion. It will not be necessary to redeem any outstanding debt in excess of the permanent limit after December 13, 1985, but no additional debt may be incurred at that time without further action to increase the limit on outstanding debt.

B. Restoration of disinvested trust fund securities

Present Law

Cash balances in Federal trust funds are required to be invested in U.S. debt obligations. These obligations are to have maturities that are fixed with due regard for the needs of the trust funds. The obligations bear interest at a rate equal to the average market yield on all marketable interest-bearing obligations of the United States.

Reasons for Change

The committee believes that the Secretary should immediately reverse his action in disinvesting the trust fund securities and restore the disinvested issues in order to restore the trust funds to the investment position they were in on September 30, 1985.

Explanation of Provision

The bill instructs the Secretary, immediately upon enactment of the bill, to restore to the Social Security Trust Funds, and any other trust funds established under Federal law, any securities disinvested since September 30, 1985. It is the intent of the committee that restoration of securities means to restore the identical amounts, maturities and investment yield of the disinvested securities. For this purpose, disinvestment of securities means the redemption of securities which would not have occurred to meet the ordinary needs of the trust funds unaffected by the constraint of the debt limit.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not in the habit of voting for debt-ceiling increases. I would say through the years I have voted against more debt-ceiling increases than most Members, especially

on this side of the aisle; however, I think that the responsible thing for us to do today is to support H.R. 3721, which I intend to do.

I do not wish to see the Government go into default and the people I represent do not want to.

I must say that if it did go into default, there is enough blame to go around for every Member of the House and every Member of the Senate.

H.R. 3721 provides for a temporary increase in the public debt ceiling. This was brought up at the mini-conference on the budget yesterday. Mr. GRAMM and Mr. RUDMAN were both present and did not object. Mr. RUDMAN was for an extension a little closer to the time the President comes back from the Geneva Conference, but the request was made by Senator PACKWOOD of the Senate Finance Committee that we set the date on December 13 at midnight.

The higher ceiling in this bill would go into effect, as I say, would be effective through December 13. We are providing a twofold limitation in both the amount and length of time. The temporary increase in the debt ceiling is necessary to allow us enough time to continue our progress on the Gramm-Rudman-Hollings amendment to the long-term debt ceiling.

The short-term extension will also provide a domestic financial crisis virtually on the eve of the President's departure for Geneva.

It was mentioned yesterday, and I think sincerely by each member of the miniconference whether or not we were serious about pursuing in a fashion that would try to finish with the Gramm-Rudman-Hollings agreement. I think everyone is sincere.

I think we have reached the place where we will have a successful conclusion.

Mr. Speaker, I strongly urge my colleagues to support this extension, because it is the only thing that we can do.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BOSCO].

(Mr. BOSCO asked and was given permission to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, if you have ever watched a youngster out at the end of a high diving board for the first time and he looked down at the water way below and then prays for an excuse not to jump, I think that is the position we are all in today.

Last week this House would not even consider a 1-month extension of the debt limit, but one factor has now changed. President Reagan just discovered that he cannot have Gramm-Rudman and his defense budget as well.

The President also cannot live with tax increases or cuts in Social Security.

All the patriotic rhetoric we can muster today is not going to fool the American people, much less the Kremlin. Even the President has said that Geneva is only the beginning of a long process.

The fact is that we do not have the courage to really make the cuts necessary to balance this budget. There will always be another Geneva.

We are at the end of the high dive. We have looked down and we are quickly making our way back down the steps.

□ 1355

Mr. DUNCAN. Mr. Speaker, I yield 4 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of H.R. 3721. I think most Members know that I am one of the original supporters and sponsors of the Gramm-Rudman legislation in the House. I have consistently supported the notion of strategy of tying Gramm-Rudman style legislation to the debt ceiling and have previously opposed any increases in the debt ceiling.

I have reluctantly concluded, however, that I think it is important that we approve this particular resolution before us today to authorize a short-term increase in the debt ceiling to carry us through the middle of December. I would not support this legislation if it provided for a long-term extension of the debt ceiling through the remainder of the year.

Specifically, it has been mentioned repeatedly, but I think it bears repeating, that the President is about to embark upon a very significant international venture in terms of the summit in Geneva. As he expressed it to us in the bipartisan leadership meeting yesterday at the White House, he did not want to find himself in Geneva after the summit was over without adequate funds to buy gas to come home.

I think it is vitally important that we keep in mind that we are talking about the full faith and credit of the U.S. Government, and that it is important that we not default at this particular point.

There is one additional condition that I think needs to be kept in mind as we weigh the possibilities of whether or not we ought to have a short-term extension of the debt ceiling, and that is specifically what is transpiring within the conference on the debt ceiling and on the Gramm-Rudman legislation. I personally am hopeful that we will be able to reach a bipartisan solution to the ongoing debate over how we deal with the deficit problem. I will reiterate again my opposition to extending the debt ceiling without some significant debt reduction added

to it, but I do think that based on the conversation we have had to date that we are making some progress, that the possibilities of achieving a bipartisan solution that will, in fact, lead to significant reform of the budget process is very real.

I look upon our willingness on this side of the aisle to support H.R. 3721 as a measure of our good faith that we would, in fact, like to find some resolution of those differences and that ultimately we will be able to solve our deficit problem later on this month.

So with that, Mr. Speaker, I would urge my colleagues to vote for and support H.R. 3721.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of extending the debt ceiling.

Mr. Speaker, I am very pleased that the bill which is currently before the House to extend the debt ceiling contains a provision sponsored by Mr. JONES of Oklahoma and myself to restore moneys that were disinvested since September 30 of this year from the Social Security, civil service retirement, and other trust funds. It is my understanding that approximately \$17 billion was disinvested from these funds over the past few weeks.

While this provision is extremely important, there is still more work ahead for us in order to make the trust funds whole and to prevent unwarranted intrusions into the trust funds in the future. Hearings held in both the House and in the Senate have revealed that interest lost to the Social Security trust funds alone is estimated at \$1.3 billion over the last 5 years. In addition, testimony presented before my Subcommittee on Compensation and Employee Benefits by the Deputy Secretary for the Treasury revealed that \$65 million has been lost from October 1 to November 5 in interest on civil service retirement trust fund moneys that were not invested.

It is only fair to our Nation's retired workers who had no role in precipitating the current debt limit crisis that these moneys should be fully restored to the trust funds. They should not be required to place any portion of their retirement security at risk.

Mr. Speaker, I would also like to call to the attention of my colleagues a bill that I introduced yesterday with Congressman JOHN MYERS of Indiana to prohibit the Secretary of the Treasury from using retirement trust fund moneys for any reason other than paying beneficiaries. My bill specifically applies to Social Security, the Federal disability insurance trust fund, the Federal hospital insurance trust fund, Federal supplementary medical insurance trust fund, the railroad re-

tirement account, the civil service and disability fund, and the Department of Defense military retirement fund. This bill, H.R. 3738, would make certain that these thrust funds will never again be placed in jeopardy or subject to financial loss as a result of a debt limit crisis.

I would urge all of my colleagues to join Mr. MYERS and myself in cosponsoring this bill and to support the Jones-Oakar provision in the legislation that is now before us.

Mr. MACK. Mr. Speaker, will the gentlewoman yield.

Ms. OAKAR. I would be happy to yield to the gentleman from Florida.

Mr. MACK. I thank the gentlewoman for yielding.

Mr. Speaker, a minute ago I thought I heard the gentlewoman say that this bill would provide for no further disinvestment of the trust funds.

Ms. OAKAR. This bill provides for an amendment that pays back to the trust funds the money that was lost because of disinvestment over the last month or so.

Mr. DUNCAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I have sat here for a while during this debate and listened to some of the remarks, some of which I would like to take issue with.

The gentleman from Tennessee, in his statement, said that he thought there was ample blame to go around to cover all Members of Congress, all Members of the House and Senate, on both sides of the aisle. I take issue with that.

I do not want to accept any of the blame for allowing us to get to the spot where we are right now, Mr. Speaker, and I think there are other Members of this House and certainly Members of the other body who should not have to accept any of the blame either.

There are those of us who, when we set what we called a drop-dead deadline, think we ought to adhere to that drop-dead deadline. It is my understanding that the President does not leave for Geneva until Friday morning and our drop-dead deadline is tomorrow night at midnight.

I am confident if the House leadership on the conference committee would inform the leadership of the other body on the conference committee that this respective body intends not to go anywhere or not to vote for any increases in the debt limit, not any extensions, that we are going to stay here until we do it, or are we going to let the Government run out of money.

Political courage, fiscal responsibility, and patriotism can be best taught by example and not by rheto-

ric. My colleague, the gentleman from Wyoming, in his remarks, said he would not vote for a long-term extension, like to the end of the year, which is about 48 more days, but we should have had this taken care of by October 1, which was about 48 days ago. It is all right to vote in short spurts, but not in one long spurt. Apparently that soothes one's conscience.

The American people ought to know, Mr. Speaker, that this Congress is unwilling, because of our political system, to accept its responsibility to deal with this country's fiscal and economic affairs in any way whatsoever unless there is someone else to whom they can pass the blame. Each and every Member of this House could vote right now to stay here until we settle this issue and not increase this debt limit 1 minute and 1 dollar. It could be done here today, but the men and women in these two respective bodies just do not have the political courage to lead by example.

My colleague, the gentleman from Kentucky, wanted to put in an amendment to make sure that Congressmen and all their staffs would be the first ones to suffer if we run into a worst-case scenario, but because of the rule, which did not include that, and because of the previous question having been ordered, we could not do that.

We are unwilling to do to ourselves what we are going to do to the American people. But in summary, Mr. Speaker, what I want to say is that there are those of us who are going to vote against this and who are telling our colleagues they are not acting responsible to increase this debt limit one day or one dollar. We, as Members of this House, can change that by staying here and voting down H.R. 3721.

□ 1345

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, as could be expected, we heard the Social Security issue raised here.

Well, let us talk to the elderly people of this country, and let us explain to them that already the spending of this Congress over the last several decades has imposed upon them, on each elderly couple in this country, \$18,500 worth of debt. That is their portion of the national debt burden that has already been placed on them by our spending habits here.

With this bill, we are going to impose another \$800 worth of debt on that elderly couple in order to do what we do here. In order to reimburse the Social Security Trust Fund that was disinvested only because of the spending irresponsibility of this place in the past. In other words, for our own irresponsibility, we are now going to say to elderly Americans, you should

assume \$800 worth of additional debt so that we can get by our problem.

Not only that, we are going to say this to them, \$800 worth more in debt for you, \$400 worth of debt for each of your children, and \$400 worth of debt for each of your grandchildren. So the bigger your family, the more the debt imposed; \$400 for every man, woman and child in this country is the additional debt burden imposed as a result of passing this bill.

I think that is what we need to talk to elderly America about. We are spending in this body at rates which cause them to go further and further in debt. And then what do we do? We send along the interest bill to them a little bit later, the end bill in terms of higher interest payments on everything in society, the higher interest payments that we charge on virtually everything that happens, with inflation, in spending habits, the whole bit across the country.

It seems to me that we do have a message for elderly America in this bill. We have got an \$80 billion message, \$400 per person, \$800 for each elderly couple. That is what we are charging them, supposedly to do them some good. I doubt many of them will think that is doing them very much good.

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, I rise really to see if I can get a couple of questions answered. As I understand it, this is a debt ceiling increase of \$80 billion to carry us through December the 13th; is that correct?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Missouri.

Mr. GEPHARDT. The gentleman is correct.

Mr. MACK. I also understand that \$30 billion of that \$80 billion is for the purpose of reinvesting or putting the funds back into the Social Security Trust Fund, approximately \$30 billion?

Mr. GEPHARDT. Approximately \$30 billion. I do not have the exact amount.

Mr. MACK. And there is no provision in this legislation, as I understand it, to keep the Secretary of the Treasury from disinvesting those funds in the future?

Mr. GEPHARDT. It is my understanding that that provision is to be included in the final conference report on the Gramm-Rudman bill.

Mr. MACK. Assuming that were to take place by the 13th of December.

Mr. GEPHARDT. That is correct.

Mr. MACK. Is there any prohibition or any direction in this bill with reference to the repayment of the \$15 bil-

lion borrowed from the Federal Financing Bank?

Mr. GEPHARDT. No.

Mr. MACK. Could these moneys be used for that purpose?

Mr. GEPHARDT. I take it they could be if that specific prohibition is not written in. That is not anyone's intent.

Mr. MACK. Without asking too many more questions, the reason I am raising this is because we are told that we have established another drop-dead date of December 13, which frankly I do not believe anybody believes any longer that there really is any crisis atmosphere related to the passage of the Gramm-Rudman proposal. We have blinked three times already.

It seems to me that without any additional language here that we have set up a scenario that we will have an instant replay on December 13. First, there can be the use of the disinvestment of the Social Security Trust Fund. Second, there may be funds available again through the Federal Financing Bank and, therefore, there is no real deadline of December 13, and that is really the purpose, I think, of my question.

Mr. GEPHARDT. If the gentleman will yield, I believe we do have a real deadline in the middle of December for a couple of important reasons.

First, we will have plenty of time by then to know whether or not we can reach agreement on an automatic budget-cutting mechanism. As the gentleman knows, at the present time we have not had sufficient time to finish that conference.

Mr. MACK. If I can reclaim my time, if I may respond, that is a matter of opinion. I think we have had plenty of time to come up with a proposal.

Mr. GEPHARDT. Second, I think it is important to note that the Treasury Department has said that it does not want to enter into this procedure of disinvesting Social Security again. We will be in a period when the Congress must close off its business for the year. If we are to do that, we have to get a debt ceiling passed.

So I would say to the gentleman I think there is every likelihood that there will be action on a debt ceiling bill with some kind of automatic mechanism in the middle of December.

Mr. MACK. If I can reclaim my time, I appreciate the comments, but I do not think by the end of the calendar year is a particularly important date. I think it is more important to be talking about the fiscal year.

It seems to me again we have done nothing in here to establish this situation where there cannot be a disinvestment. The Secretary of the Treasury told us over and over again the implication was we are running out of money on each of the dates that came

up, and we have found out since then that that is absolutely untrue.

All I am raising here is the point that we very well could find ourselves believing that we have established another deadline of December 13, which, in fact, will turn out not to be the case at all.

Mr. GEPHARDT. If the gentleman will yield again, let me say to him that the only time the Social Security managers can actually disinvest is as they did the last two times, when they are in the process of paying checks, or when they are doing that in order to pay checks. It would seem that in the middle of the month that is not the case. I would think it would be much more difficult, even if the Treasury had not stated their desire not to do this.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Tennessee.

Mr. DUNCAN. May I tell my friend from Florida that no one on our side of the aisle or the other side wishes to disinvest Social Security.

Mr. MACK. I think that is pretty clear.

Mr. DUNCAN. The gentleman from Texas [Mr. ARCHER] and the gentleman from Nebraska [Mr. DAUB] have introduced a bill, H.R. 3688, which would prohibit that. I am sure we will have the same kind of bills from the other side.

So I think I can almost assure the gentleman that it will not happen again.

Mr. MACK. Again, I appreciate the assurances.

I do not think that anyone on either side of the aisle intended, wished or desired the disinvestment of the Social Security Trust Funds in the first place. But the Secretary's argument was that he has a responsibility as Secretary of the Treasury to see that the Government's obligations are paid and, therefore, he used whatever resources were available to him.

There is no prohibition that says that these funds cannot in essence pay off the funds that were borrowed by the FFB, and if that is the case in the middle of December, those funds could be used again. So all of a sudden now, we are past December 13, and then we are now up to a date of the 1st of January.

Of course, on the 1st of January, we certainly would not want to see the Social Security checks not be paid. So what is going to happen potentially again is there would be another disinvestment of the Social Security Trust Funds, the Civil Service Trust Funds and so forth, and, therefore, we would have an instant replay, as I mentioned a minute ago, in that we have not absolutely established a deadline that could not be broken.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, I am going to vote for this extension, and I want to, as I do so, make three comments.

First of all, some have said this is just another extension. I do not think that is true at all.

The handwriting is on the wall. We are going to act. That fact has been obscured by other events, including the summit. But after the summit is over and everybody is back in Washington, we are going to face the music on this critical issue, and the next time around is not going to be just another dance.

The second point I want to make relates to charges about spendthrift congressional action. Some have said that the problem is Congress just cannot wait to spend money.

The truth of the matter is that our budget actions these last years, the 3 years I have been here, and that was true some years before, have been within the limits that were proposed by the President of the United States. The problem is not that we have had a spendthrift Congress. The problem is that there is a difference of opinion about priorities in this country.

When we come back here, as the conference meets, they are going to face some very, very thorny and difficult issues, and we ought to face up to that, and quit hurling the charges back and forth. And that relates to my third point and why I more than anything else wanted to speak this afternoon.

I appreciated the comments of the minority leader about an hour ago. I think he threw a blanket over those who wanted to simply demagogue this issue. I think he was candid about the failure of the President to face up to the issue of Gramm-Rudman on the defense priorities set by the President of the United States, and I hope that the remarks of the minority leader will cause his side of the aisle to follow the example and will set a new tone of candor as we go into this last month, and will set a new tone of realism.

Everybody is going to have to be in this process, including the White House. All issues are going to have to be in this process as we face what is a real deadline of mid-December, a real deadline of December 13 or December 14.

I think that we can resolve these issues if we will act within the spirit set by the minority leader of just an hour ago. I urge that we support this resolution.

Mr. McCANDLESS. Mr. Speaker, it is politics as usual. And it is politics with a capital "P."

Back in September, we began discussing the need to raise the public debt ceiling. We were told that unless we acted by October 7, the Federal Government would have to close. October 7 came and went, as did other so-called drop-dead dates, and we're still here. All Government checks have gone out and have been honored.

But now we are told that unless we pass H.R. 3721, the Federal Government will run out of money at midnight tomorrow. Further, we are told that we can't deal with the problem that has lead us to this point because the President is leaving for Geneva. Hence, the solution that is offered is an \$80-billion increase in the debt ceiling, enough money to tide us over until December 13, appropriately enough, Friday the 13th.

Mr. Speaker, I have never voted in favor of an increase in the debt ceiling. Nor have I made any secret of the fact that I will not vote in favor of increase in the debt ceiling unless it is coupled with a tough, but realistic plan to balance the Federal budget. To that effect, I am a strong advocate, and a sponsor, of the Gramm-Rudman-Mack proposal in the House.

The temporary extension does not meet that criteria. It is nothing more than a Band-Aid on a massive hemorrhage of Federal spending. Little or nothing will change between now and December 13. Further delay is unnecessary and inexcusable. It is unfortunate that our timing has lead us to the eve of the Geneva Summit—but that is our doing and our failure to act in a timely manner. If the extension is approved, it would hardly be prophetic to state that on December 13 we will once again find our backs to the wall and be asked to vote on yet another "temporary" increase.

An up-or-down vote on the debt ceiling should stand on its own. Unfortunately, politics prevailed and once again Social Security has become a political football. Totally unrelated to the debt ceiling increase is the repayment of the interest lost because of the disinvestment of some of the bonds held by the Social Security Trust Fund. There is no question that those funds should and will be repaid. In fact, I am a cosponsor of legislation that would not only repay the funds, but would prohibit similar action in the future. But, there is no urgency here, and there is absolutely no reason, other than political, to consider the Social Security provisions as a part of the debt ceiling increase. Social Security should not be used for political purposes. I have sponsored and cosponsored legislation that would remove the Social Security System from the Federal budget process and restore it to an independent agency.

In conclusion, Mr. Speaker, once again the House leadership has contrived a vote to camouflage what we are doing. This is not a vote on Social Security. This is a vote to increase the debt that we are leaving for our children and our grandchildren. Therefore, I must vote "no."

Mr. GEPHARDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 318, the previous question is considered as ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 121, not voting 13, as follows:

[Roll No. 405]

YEAS—300

| | | |
|--------------|--------------|---------------|
| Ackerman | Coughlin | Hall (OH) |
| Akaka | Courter | Hamilton |
| Alexander | Coyne | Hammerschmidt |
| Andrews | Daniel | Hatcher |
| Annuzio | Darden | Hawkins |
| Anthony | Daschle | Hayes |
| Archer | Davis | Hefner |
| Aspin | Dellums | Heftel |
| Atkins | Derrick | Hendon |
| Barnard | DeWine | Hertel |
| Barnes | Dickinson | Hillis |
| Bateman | Dicks | Holt |
| Bedell | Dingell | Horton |
| Beilenson | DiGuardi | Howard |
| Bennett | Dixon | Hoyer |
| Bentley | Donnelly | Hughes |
| Berman | Dowdy | Hutto |
| Bevill | Downey | Hyde |
| Blaggi | Duncan | Jacobs |
| Billirakis | Durbin | Jeffords |
| Boehliert | Dwyer | Jenkins |
| Boggs | Dymally | Johnson |
| Boland | Early | Jones (NC) |
| Boner (TN) | Eckart (OH) | Jones (OK) |
| Bonior (MI) | Eckert (NY) | Jones (TN) |
| Bonker | Edwards (CA) | Kanjorski |
| Borski | Emerson | Kaptur |
| Boxer | Erdreich | Kasich |
| Breaux | Evans (IL) | Kastenmeier |
| Brooks | Fascell | Kemp |
| Broomfield | Fazio | Kennelly |
| Brown (CA) | Feighan | Kildee |
| Bruce | Fish | Kleczka |
| Bryant | Flippo | Kolter |
| Burton (CA) | Foglietta | Kostmayer |
| Bustamante | Foley | LaFalce |
| Byron | Ford (MI) | Lantos |
| Campbell | Ford (TN) | Latta |
| Carney | Frank | Leach (IA) |
| Carper | Frank | Lehman (CA) |
| Chandler | Gallo | Lehman (FL) |
| Chapman | Garcia | Leland |
| Chappell | Gaydos | Lent |
| Cheney | Gedjenson | Levin (MI) |
| Clay | Gephardt | Levine (CA) |
| Clinger | Gibbons | Lewis (CA) |
| Coble | Glickman | Lightfoot |
| Coelho | Gonzalez | Lipinski |
| Coleman (MO) | Goodling | Livingston |
| Coleman (TX) | Gordon | Loeffler |
| Collins | Gradison | Lott |
| Combest | Gray (IL) | Lowery (CA) |
| Conte | Gray (PA) | Lowry (WA) |
| Conyers | Green | MacKay |
| Cooper | Guarini | Madigan |

| | | |
|---------------|--------------|-------------|
| Manton | Penny | Spratt |
| Markey | Pepper | St Germain |
| Martin (NY) | Perkins | Staggers |
| Martinez | Pickle | Stangeland |
| Matsui | Price | Stark |
| Mavroules | Quillen | Stokes |
| Mazzoli | Rahall | Stratton |
| McCain | Rangel | Studds |
| McCloskey | Regula | Sundquist |
| McCollum | Reid | Sweeney |
| McCurdy | Richardson | Swift |
| McDade | Ridge | Synar |
| McGrath | Rinaldo | Tallion |
| McHugh | Rodino | Tauzin |
| McKernan | Roe | Thomas (GA) |
| McMillan | Rogers | Torres |
| Michel | Rostenkowski | Torricelli |
| Mikulski | Roukema | Towns |
| Miller (OH) | Rowland (CT) | Trafficant |
| Miller (WA) | Rowland (GA) | Traxler |
| Mineta | Roybal | Udall |
| Mitchell | Rudd | Valentine |
| Moakley | Sabo | Vento |
| Mollohan | Savage | Visclosky |
| Montgomery | Saxton | Volkmer |
| Moody | Scheuer | Walgren |
| Moore | Schneider | Watkins |
| Morrison (CT) | Schroeder | Waxman |
| Morrison (WA) | Schuetz | Weiss |
| Murtha | Schulze | Wheat |
| Natcher | Schumer | Whitehurst |
| Neal | Seiberling | Whitley |
| Nichols | Sharp | Whitten |
| Nowak | Shaw | Williams |
| Oaker | Shelby | Wilson |
| Oberstar | Sikorski | Wirth |
| Obey | Sisisky | Wise |
| Olin | Skeltton | Wolf |
| Ortiz | Slaterry | Wolpe |
| Owens | Slaughter | Wortley |
| Oxley | Smith (FL) | Wyden |
| Panetta | Smith (IA) | Wyllie |
| Parris | Smith (NJ) | Yates |
| Pashayan | Snowe | Young (FL) |
| Pease | Solarz | Young (MO) |

NAYS—121

| | | |
|--------------|-------------|---------------|
| Anderson | Gregg | Ray |
| Applegate | Grotberg | Ritter |
| Armey | Gunderson | Roberts |
| AuCoin | Hall, Ralph | Robinson |
| Badham | Hansen | Roemer |
| Bartlett | Hartnett | Rose |
| Barton | Henry | Russo |
| Bates | Hiller | Schaefer |
| Bereuter | Hopkins | Sensenbrenner |
| Billiey | Hubbard | Shumway |
| Bosco | Huckaby | Shuster |
| Boucher | Hunter | Siljander |
| Boulter | Ireland | Skeen |
| Brown (CO) | Kindness | Smith (NE) |
| Broyhill | Kolbe | Smith, Denny |
| Burton (IN) | Kramer | (OR) |
| Callahan | Lagomarsino | Smith, Robert |
| Carr | Leath (TX) | (NH) |
| Chappie | Lewis (FL) | Smith, Robert |
| Coats | Lloyd | (OR) |
| Cobey | Lujan | Snyder |
| Craig | Luken | Solomon |
| Crane | Lungren | Spence |
| Crockett | Mack | Stallings |
| Dannemeyer | Marlenee | Stenholm |
| Daub | Martin (IL) | Strang |
| DeLay | McCandless | Stump |
| Dorgan (ND) | McEwen | Swindall |
| Dornan (CA) | Meyers | Tauke |
| Dreier | Mica | Taylor |
| Dyson | Miller (CA) | Thomas (CA) |
| Edwards (OK) | Mollinari | Vander Jagt |
| English | Monson | Vucanovich |
| Evans (IA) | Moorhead | Walker |
| Fawell | Mrazek | Weaver |
| Fiedler | Murphy | Weber |
| Fields | Myers | Whittaker |
| Florio | Nielson | Yatron |
| Franklin | Packard | Young (AK) |
| Gekas | Petri | Zschau |
| Gilman | Porter | |
| Gingrich | Pursell | |

NOT VOTING—13

| | | |
|-------------|----------|---------|
| Addabbo | Fuqua | O'Brien |
| de la Garza | Long | Roth |
| Edgar | Lundine | Wright |
| Fowler | McKinney | |
| Frenzel | Nelson | |

□ 1410

Mr. MICA changed his vote from "yea" to "nay."

Messrs. BILIRAKIS, RINALDO, WATKINS, and RICHARDSON, and Ms. KAPTUR changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 441. Making further continuing appropriations for the fiscal year 1986.

The message also announced that the Senate agrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 505) "An act to amend title 38, United States Code, to improve the delivery of health care services by the Veterans' Administration, and for other purposes," with amendments.

APPOINTMENT OF CONFEREES ON H.R. 3327, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1986

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3327), making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1986, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. MACK. Mr. Speaker, reserving the right to object, I do so merely to ask whether this has been cleared with the minority.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. MACK. Under my reservation, I yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentleman for yielding.

Mr. Speaker, it has been cleared.

Mr. MACK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and without objection, appoints the following conferees: Messrs. HEFNER, BEVILL, ALEXANDER, COLEMAN of Texas, ADDABBO, CHAPPELL, EARLY, WHITTEN, EDWARDS of Okla-

ma, LOEFFLER, RUDD, LOWERY of California, and CONTE.

There was no objection.

WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 305 and rule XXIII, the Chair declares the House in the Committee of the Whole House of the State of the Union for the further consideration of the bill, H.R. 6.

□ 1421

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, with Mr. ECKART of Ohio, Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, November 6, 1985, title XI of the text of the bill, H.R. 3670, which is considered as an original bill for the purpose of amendment, was open for amendment at any point.

Pending at that time were an amendment offered by the gentleman from Florida [Mr. MACK] and a substitute for the amendment offered by the gentleman from New Jersey [Mr. ROE].

Mr. MACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the purpose for my rising today is to, in a moment, ask unanimous consent to withdraw my amendment, but first of all I want to make a couple of comments in order to set the stage for doing so.

Last week I offered an amendment that would require an 8.2 percent reduction in the authorization level, and in the discussion about that amendment we determined what we were referring to was the cap that is in the bill. I did so for the purpose of beginning to establish a target on which we all could agree, where spending reductions should be made in order to reach the targets established in the Gramm-Rudman proposal.

I did that based on a letter that I had received from the Congressional Budget Office.

Subsequent to that time and, as you know, we did not conclude the debate or the vote on that particular amendment, a subsequent letter came from CBO which indicated that if those targets were to be met we would establish a 3.8-percent reduction. Not only do we have a moving letter, so to speak,

from CBO, we also, apparently, have somewhat of a moving target as far as the deficit reduction target under the Gramm-Rudman proposal, from this standpoint.

□ 1425

It is my understanding that there is some movement toward a compromised position, as far as the deficit reduction target for 1986 is concerned.

As the gentleman knows, our target was 180, yours was 161. There seems to be some agreement that 172 ought to be that number. And for the purpose of being consistent, because it is my intention, wherever I have the opportunity, to come to the floor and ask for reductions in spending, in either appropriations or authorization bills, that I want to establish a meaningful target. And for that reason, since it has been constantly changing over the last 3 or 4 days, it will be my intention here in a moment to withdraw the amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from New Jersey.

Mr. ROE. I recall well the excellent colloquy that had developed during the submission of the gentleman's amendment, and I think the gentleman raised some excellent points at that point, as we mentioned, and we have had a chance to clarify.

As the gentleman had pointed out, we had arrived at a point of view that, in our own understanding of the issue, we have a number of moving targets, as the gentleman had so well said, and that to strike the 8.2 percent at this point would not be as meaningful as the gentleman is attempting to achieve in his efforts, which I respect and applaud.

By the same token, in our CBO letter that we received, if we go to use the 3.8 figure, we are then switching in the opposite way and we may be suggesting what the Budget Committee would accept as far as the debt limitation would be concerned, which we do not want to achieve.

Mr. MACK. If I may, I believe that the gentleman from Washington [Mr. FOLEY] probably came to the same conclusion, and that is the reason he did not offer that amendment on the continuing resolution.

Mr. ROE. At the gentleman's suggestion, I did follow up directly with the gentleman from Washington [Mr. FOLEY], and he corroborated the gentleman's understanding, in other words, of the so-called moving target, and that it would be really counterproductive at this point to be in a position where we would be vitiating any of the efforts that the conferees are carrying out now in the Gramm-Rudman and the budget situation.

Mr. MACK. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN pro tempore. The Chair will remind the committee that this has the parliamentary effect of also withdrawing from consideration the substitute amendment offered by the gentleman from New Jersey [Mr. ROE].

Mr. MACK. I thank the Chair.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 3670, the committee substitute for H.R. 6, the Water Resources Development Act of 1985. I wish to commend committee chairman JIM HOWARD and subcommittee chairman BOB ROE of New Jersey, along with ranking minority members GENE SNYDER of Kentucky and ARLAN STANGELAND of Minnesota, for developing a bill which will provide so many economic benefits to our Nation.

It is hard to believe that we have not had an omnibus water resources development bill passed and signed into law since 1976. Since that time, literally hundreds of public works projects around the country have been backed up, awaiting authorization or reauthorization by the Congress. These projects are of vital importance to many communities and States, and have the potential to create thousands of jobs.

My own district in southern New Jersey, for example, encompasses some 180 miles of coastline along both the Atlantic Ocean and the Delaware Bay. Our beaches, inlets, and waterways are the mainstay of the local economy. It is important that these resources be maintained and protected in a sensible way, so that they can be enjoyed by the public, and because so many thousands of jobs in the tourism, boating, and commercial fishing industries depend on these resources.

The Public Works Committee has gone to great lengths to develop a bill which is both economically sound, and responsive to the fiscal constraints which we face in Washington. H.R. 3670 proposes to deauthorize more than 300 water projects which are not essential. For many projects in the bill, new cost-sharing requirements have been imposed to ensure that State and local interests pay their fair share of the costs. Finally, the committee has broken new ground in some instances by authorizing the Army Corps of Engineers to develop innovative flood control and navigation projects. I am hopeful that these nontraditional methods will prove successful, and they can serve as a model for other low-cost, low-risk projects to stabilize our beaches, maintain our waterways and protect our coastal resources.

There are other compelling reasons to enact this legislation besides jobs. There are flood control projects proposed in this legislation which offer many communities a badly needed line of defense against natural disasters. In still other instances, there are projects included in the bill which are

designed to protect existing Federal investments.

That is the case in Cape May, NJ, where the U.S. Coast Guard Training Center is located. This is the only Coast Guard training facility in the country, and the Federal Government has more than \$100 million invested there. Unfortunately, the Coast Guard base is in the process of washing out to sea for lack of a beach stabilization project. The helicopter landing areas have already been breached, and the Coast Guard estimates that significant damage will occur by 1990 unless the federally authorized project is constructed there. Unfortunately, this project has been stymied for lack of an authorization bill, and the Coast Guard base remains extremely vulnerable to storms like Hurricane Gloria, which just missed causing a major disaster when it swept through southern New Jersey last month.

It has been 9 years since the last Water Resources Development Act was signed into law. I urge my colleagues to support this bill, so that we can finally move forward with these important projects.

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEMP: Page 399, after line 5, insert the following new section:

SEC. 1199K. The project for flood protection and other purposes, Ellicott Creek, New York, authorized by Section 201 of the Flood Control Act of 1970 (84 Stat. 1824), as modified, is further modified to allow a credit against the non-Federal share of the cost of construction, required to be provided during the period of construction pursuant to subsection (b)(1) of Section 302 of this Act, equal to the fair market value, as determined by the Secretary, of any lands, easements, rights-of-way, or relocations provided by non-Federal interests which is greater than 25 percent of total project costs. Nothing in this section shall affect the rights or obligations of the Secretary or the non-Federal interest under subsection 302(b)(2) of this Act.

Mr. KEMP (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEMP. Mr. Chairman, the amendment allows the non-Federal interests in the Ellicott Creek flood control project, located in Amherst, NY, to receive credit equal to the fair market value for contributions to the project's cost in excess of the required 25 percent contribution. The credit would be applied against the non-Federal share of the cost of construction.

H.R. 6 generally requires non-Federal interests to pay for 25 percent of the cost of flood control projects, with a 30 percent cap. However, the non-Federal interests involved in the Ellicott Creek flood control project, which was first authorized in 1970, will ultimately pay almost 45 percent of the cost of the project, under the cost-sharing

agreement finalized by the State of New York and the Corps of Engineers in January 1984. The cost-sharing formula was initially agreed to in March 1982, and the non-Federal interests have proceeded with their work on the basis of that understanding.

While the non-Federal share of the project is high, the State and local governments agreed to the arrangement because of the desperate need for the project and their willingness to shoulder part of the costs in order to expeditiously complete the project. The need for the project was highlighted this past winter when the creek went over its banks, flooding hundreds of homes and causing millions of dollars in damage. Obviously, area residents are anxious that the project be built without any further delays.

Any attempt to renegotiate the cost-sharing agreement to modify the non-Federal interest contribution will cost valuable time and could delay construction of the project further. With the uncertain weather conditions prevalent in western New York and the difficulty in performing some types of work during our harsh winters, a delay would further expose the residents to additional devastating flooding. The amendment I am offering will allow the work on the project to continue without delay, while recognizing that the non-Federal interests are making contributions in excess of the required amount, and probably in excess of any other flood control project in the country.

Part of the project was constructed prior to the 1981 authorization by New York State and the Federal Highway Administration, according to the corps' plans and specifications for the project. Funds for the next section of the project are contained in the fiscal year 1985 Supplemental Appropriations Act, which was enacted into law earlier this year. All preliminary work on the next phase has been completed, and the corps is simply waiting for the release of this money to award construction contracts.

Because of the unique situation of the Ellicott Creek flood control project—an authorized project which has a satisfactory cost-sharing agreement and which has been partially constructed—this amendment will alleviate the potential confusion that could arise and allow this long-awaited project to continue toward completion.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I do not mean to intrude upon the gentleman's time, but this is, really, an amendment that simply clarifies the situation that we have been faced with at Ellicott Creek, simply on the point of a program that is under construction and there is some conflicting language. The gentleman's language straightens the conflicting language out. We have no objection on this side.

Mr. KEMP. I appreciate the remarks of the chairman.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Minnesota.

Mr. STANGELAND. We on this side have looked at the amendment and certainly think that it improves the bill. We support the amendment.

Mr. KEMP. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment by the gentleman from New York [Mr. KEMP].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: On page 399, after line 5, insert the following new section:

"SEC. 1199K. The Secretary is authorized and directed to continue construction of the remaining authorized recreation facilities for the Clarence Cannon Dam and Mark Twain Lake, Missouri, project at full Federal funding. Construction shall continue until completion, subject to availability of funds."

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, we have reviewed the amendment. This is a technical-correction amendment. It does not create any additional use or needs of funds, so we have no objection at all to the gentleman's amendment.

Mr. VOLKMER. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I thank the distinguished gentleman from Missouri for yielding.

Mr. Chairman, we have reviewed the amendment and we think it is in proper form and that it is correct to be a part of the bill.

Mr. VOLKMER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The amendment was agreed to.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Chairman, I rise in strong support of the bill and request unanimous consent to revise and extend my remarks.

Our highest priority in the Congress is to provide for the national defense of this country. The waterway transportation system is an integral part of the defense system, and I do not think we should lose sight of that fact. I pray we will never have to utilize the waterway network to defend our borders, but we must be prepared for any worst-case eventuality. The system must be adequately maintained to achieve maximum efficiency, and this bill provides for badly needed maintenance. We have neglected this vital segment of our infrastructure for entirely too long and simply cannot afford to procrastinate any longer.

It also authorizes funds for flood control projects to protect the lives and welfare of our citizens. It is also well known that our port system must become more competitive to increase exports and reduce our miserable trade imbalance—a problem which, unfortunately, is overshadowed by the budget deficit. This bill seeks to improve the viability of our ports.

I urge my colleagues to support this bill. I do not like every provision in it, and many of my constituents have some serious concerns about it. But, the entire package is well-balanced and merits passage. We have resolved many of the controversies which have prevented passage of a water projects bill for so many years. Let's not miss this opportunity. Let's pass H.R. 6.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER:

Such re-evaluation shall be completed and reported by the Secretary no later than March 1, 1986.

Mr. STANGELAND. Mr. Chairman, I reserve a point of order on the amendment.

Mr. WEAVER. Mr. Chairman, the House debated the Elk Creek Dam issue last week, and by a vote of 220 to 200 decided, at that moment anyway, that my amendment to deauthorize the Elk Creek Dam should not prevail.

There is, however, language in this bill now requesting an evaluation of the dam project by the Corps of Engineers. Unbeknownst to me as a number of amendments were put en bloc by unanimous consent, an amendment was offered and accepted by unanimous consent last week to this provision calling for reevaluation of the dam. That amendment struck out a provision dealing with the hydroelectric power study and added the words "the Secretary shall include in this study funds appropriated by previous Congresses as well as any funds appropriated by the 99th Congress as sunk costs."

Now, there is \$32 million that has been appropriated for this dam but not spent, and this amendment would say even though the money is sitting up in the Treasury right now and no contracts have been let on the dam, that this \$32 million should not be counted toward the cost of the dam.

Have you ever heard anything crazier than that? \$32 million sitting in the Treasury unspent, unobligated, but intended for the dam, should, under this amendment that was put in the bill last week, be not counted toward the cost of the dam when the corps evaluates the dam. That is outrageous. It is ridiculous. It is the most puerile language. Imagine what we could do with the deficit that way. We would not count the deficit toward the cost of government. Now, how could you deal with the deficit that way?

Let me read to you what story in the Medford Mail Tribune, on the front page of that paper, written by Dana Bottorff, of the Ottaway News Service, says. It says:

WASHINGTON.—The House Wednesday turned down a move to halt financing of the proposed Elk Creek Dam—but by a surprisingly close vote and only after Rep. Bob Smith, R-Ore., offered arguments which, by some accounts, were misleading.

That is the opening paragraph of the story.

The story goes on to say:

Smith said a recent analysis of the dam that Smith requested of the Corps gave the project a benefit-cost ratio of 1.62 to 1 * * *.

The story goes on to say:

However, a Corps official in Washington (D.C.) said that, in calculating the figure, the Corps used methods that Smith insisted upon and which "did not follow the Corps' normal and acceptable methods."

SMITH's methods were used, but the standard methods of the Corps of Engineers to evaluate were not used.

"Using the normal corps method of calculating benefit-cost ratios," the story goes on to say, "the dam would provide only 48 cents in benefits for every dollar spent, a corps official said. . . . SMITH instructed the corps to calculate \$33 million that Congress recently appropriated for Elk Creek as money already spent—even though it has not been," the corps official said.

"Adding that \$33 million to the \$21 million that actually has been spent, it appeared that \$54 million—or nearly half of the dam's total cost of \$120 million—has been spent, he said. He said less than 20 percent has been spent."

Now, not only did our colleague from Oregon [Mr. ROBERT F. SMITH] ask the corps to make their evaluation in this way, but language was put into the bill requiring the corps to evaluate the dam under this phony, ridiculous, absolutely spurious method, of saying \$32 million that the Treasury has, unspent, no contracts awarded for the dam, the \$32 million shall not be considered a cost of the dam. Now, how would you like to run your household accounts that way?

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. WEAVER] has expired.

(By unanimous consent, Mr. WEAVER was allowed to proceed for 30 additional seconds.)

Mr. WEAVER. My amendment that I offer here today simply strikes out language and tells the corps to have their report in by March 1, 1986. I do not do anything else. Strike that phony language and ask the corps to have the report done by March 1, 1986.

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hate to bring this issue back to us again, but it seems it has occurred here. This is the fourth time in 2 years we have discussed this issue, and this is another back-door attempt to defeat what has already occurred on the floor of the House of Representatives four times.

This amendment is an attempt again to defeat what has occurred and the decision of the House of Representatives.

Now, there is no question about the fact that the House has spoken and appropriated \$33 million. It has passed the House and the Senate, has been all through the committee system, has been signed by the President of the United States, and there is no question that \$24 million has already been spent on this project in the State of Oregon. It is under construction. This project is under construction.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. No; I did not interrupt the gentleman. I will not yield. If I have time, I will be happy to.

The gentleman's amendment, of course, looks innocent enough but has a very serious impact upon what may occur in projects all across this Nation.

The gentleman's amendment, by the way, changes the interest rates by which you compute methods to build flood control structures across this Nation. He increases the interest rate from 3½ percent, at that rate which it was authorized, to 8½ percent, I am told by the Corps of Engineers, if his amendment stands.

And let me quote from the Corps of Engineers, because I think this has implications beyond the issue of spending money, beyond the question of whether or not this is or is not a money bill, which it is not, it has implications on every project that is currently under construction in America today. I quote from the Corps of Engineers:

Never before in the history of this country has Congress or the Corps of Engineers changed the interest rate of a project under construction.

I suggest to the House of Representatives that if today we change the interest rate while this project is under construction, is there any argument we spent \$24 million of the people's

money? This project is in construction mode. If we change the interest rate now in the middle of the stream, this is and will become a precedent for every project in America, and each project in every State in America may well be subject to revisitation, to a re-evaluation, from the authorized interest rate to some new interest rate that may come down the road, who knows what it may be or who knows where it may come from.

□ 1440

I suggest again that this issue has no money in it. For those of you who are concerned about budgetary matters, I ask you to look at this. This is an amendment to a study that is in the bill. It has nothing to do with either the construction of the dam or spending money for the dam. It is an amendment to increase the interest rate, intercept what has been the authorized interest rate for this project, and change it to a new one, which, I say again, may well be a precedent for this Nation.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. WEAVER. The gentleman is just astounding. Utterly incredible. He argued just a few moments ago—

Mr. ROBERT F. SMITH. Reclaiming my time, I stood the word spurious; I will not stand much more.

I continue to yield to the gentleman from Oregon.

Mr. WEAVER. I am not sure how much more we can stand, because the gentleman, 2 months ago, argued on the floor of the House that it was only the road that was being built; that only the road was under construction. The gentleman said these things; he said the dam is not an issue. I will be glad to debate the dam with the gentleman later. But last summer he said only the road was under construction, which, of course, was absolutely correct.

Mr. ROBERT F. SMITH. Thank you.

Mr. WEAVER. Now, you are saying that the dam was under construction. Which does the gentleman want?

Mr. ROBERT F. SMITH. In answering the gentleman's argument, the point remains that from the time I mentioned that argument, there has been an additional \$33 million approved by this House of Representatives, by the Energy and Water Committee of the Appropriations Committee, by the Public Works and Transportation Committee. It has gone to the Senate, it has been debated there, it has been signed by the President of the United States, and now, the gentleman wants to interrupt what has been the authorized interest rate.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. ROBERT F. SMITH] has expired.

(By unanimous consent, Mr. ROBERT F. SMITH was allowed to proceed for 1 additional minute.)

Mr. ROBERT F. SMITH. The gentleman is interrupting what has been the authorized rate, and I say it is a precedent. I am quoting the Corps of Engineers in that statement that, "Never before in the history of this country has ever the Congress or the Corps placed a new interest rate on a project in America."

I suggest to those who are concerned this is not a money bill. The Committees of Public Works and Appropriations ask you to vote "no" and I ask you to vote "no" again against Mr. WEAVER's amendment.

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oregon [Mr. WEAVER], concerning the Elk Creek project on the Rogue River in Oregon.

Last Wednesday this body debated yet another time the merits of the Elk Creek project in connection with an amendment offered by the gentleman from Oregon to deauthorize the project. During the debate, the affected Members argued the merits of the project. The Members on both sides are to be commended for the strength of their arguments, the depth of their conviction and, above all, their willingness to address the issue in a polite and gentlemanlike manner. As the Members of the House will recall, the House worked its will and the amendment to deauthorize the project was defeated. I had assumed that that would put the issue to rest and that we could proceed to other matters.

Earlier this week, however, I discovered that the gentleman from Oregon, whose amendment was defeated last week, would once again try to kill the project by amending H.R. 6's existing provision concerning the Elk Creek project.

Mr. Chairman, under existing law, this project is required by statute to be evaluated under the interest rate in effect at the time the project was originally developed. The statutory requirement is not unique to the Elk Creek project. It applies to all corps projects in the same category as Elk Creek. It is on the basis required by law that local interests provided their cost sharing commitments and made decisions on the merits of the project. To come back now, years later, and change the ground rules would run counter to the statutory requirement and counter to the understandings that have been arrived at by the parties affected and would unfairly penalize this one project.

Furthermore, the amendment would result in significant delay in connection with a project that is already underway. Land acquisition is virtually complete, \$55 million has been appropriated thus far for the project, and the contracts for construction of the project are expected to be let shortly.

When Members consider how they should vote on this project, they should consider the concept of finality. I am concerned, and I believe the Members of this House should be concerned, about establishing a precedent that would allow projects which have been thoroughly studied and are in the process of being implemented to be treated as fair game for anyone that wants at any time to change the ground rules under which the project was developed. Such an ad hoc approach leads to disruptive, wasteful decisionmaking related to water resources development investments and I would urge my colleagues to join me in opposing this amendment.

The CHAIRMAN pro tempore. The Chair would inquire, before the gentleman yields back the balance of his time, does he continue to reserve a point of order on the amendment?

Mr. STANGELAND. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. WEAVER] at this time.

Mr. WEAVER. I thank my friend, I know he rises to give me the opportunity to speak in the last minute or two on this amendment, and that is all the time I will take.

Mr. Chairman, remember, we have debated Elk Creek dam, true. But this is not my language in the bill. This language was put in by Mr. ROBERT F. SMITH. The bill still calls for a study of the dam; that is in the bill.

Furthermore, this language was amended last week. So I am raising no old issue; I am raising an issue that exists in this bill that Members of this House have seen fit to amend, and I will simply say in conclusion that I stood where the dam is to be built just a month or two ago. Not a thing has been done. There is nothing done on this dam at all.

A road is being built above the mountains. True, from nowhere to nowhere we have built a \$24 million road so far, from nowhere to nowhere. I can tell you there are other parts of Oregon that desperately need roads from city to city such as Coos Bay, OR. There is a desperate need for a road from Coos Bay into Roseburg, and they could use that \$24 million that has been spent on a road from nowhere to nowhere. I can tell you that.

Nevertheless, not a penny has been spent on this dam except from old,

old, old land acquisition. There is no construction; no contracts have been let. So I am merely amending language in the bill to take out, and let me tell you what this newspaper story says the corps says about this.

A corps official said, "The results from the benefit-cost ratio are SMITH's results, not ours," and that the corps' opposition to the dam remains unchanged.

"Smith rejected the notion that his method of calculating might be misleading. 'It is true,'" this newspaper is quoting Congressman SMITH. "It is true, the money has not been spent, but it is in the budget," SMITH said.

"So I see nothing wrong in that money being considered already spent." Well, I will tell you, if you have one view about the deficit that as soon as we think about spending some money around here it is already spent, then Congressman SMITH is right; the money is down the rathole. But I am trying to save it. I am saying \$32 million is a lot of money. I am saying that \$32 million, let us see before we spend that and before we commit that whether the dam is worthwhile.

Now the dam evaluation is in here at the request of Mr. SMITH, not me. So I am merely saying let us really evaluate the dam; let us not have a phony evaluation of the dam. The language Mr. SMITH put in here would say that \$32 million that has been appropriated but not spent should not be counted as a cost of the dam.

Oh, my heavens. My heavens. Not spent but not be a cost of the dam. All I am doing in my amendment is striking that, saying, "Corps of Engineers, truly evaluate this project." At the request of Mr. SMITH. I commend him for requesting the evaluation, because let me tell you, this dam reeks to high heaven and needs an evaluation.

I thank my friend from California for yielding.

Mr. DELLUMS. Mr. Chairman, I rose specifically for the purposes of yielding to my distinguished colleague to allow him an opportunity to amplify upon his arguments in support of his amendment.

With that explanation, I yield back the balance of my time.

Mr. ROE. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROE. Mr. Chairman, far be it from me, although fools rush in where angels fear to tread, as it is written where brothers and sisters from respective States have differences of opinion. I would not particularly appreciate, nor would you, if someone were to wander into my State on an area that concerned me, nor would I wander into another State.

However, sometimes we are called upon to be the arbitrator, vis-a-vis the point of view that we are responsible for the committees that we are in charge of.

We have listened to this debate, and in due candor, I went to school in Orgeon. I do not know whether both the gentlemen realize that. I know this area. I also went to school in the great State of Washington, so the Northwest is by no means other than a great place that I remember in my youth, 40 years ago.

Be that as it may, this issue is not an issue you are arguing on Elk Creek Dam.

□ 1450

The issue that is being argued is that somebody can just surreptitiously at will change cost-benefit ratios.

Now, let me just give a grave warning. For those of us who come from New Jersey or Massachusetts or Louisiana, and for other distinguished Members here, how will it be in the next amendment when somebody rises in the well—and I do not appreciate differences of people's personalities—and says, "I'm sorry, but in Iowa we just decided to change the rules on you."?

Well, they come into my great sovereign State, too, and we have had to fend off some amendments here where someone had suggested that beach nourishment was an ugly thing and what we ought to be doing is let the beaches run into the sea and let the sea decide how the coast of New Jersey or California or any coastal State will be.

There must be some ground rules. There must be some point of fair play.

We have been through this drill on this reservoir a hundred times. The committee has looked into it. The committee has had hearings on it. We have visited it. We have listened to the arguments. And I had not intended to rise today; I wanted to let brothers solve their own issue, if you will indulge me with what may appear to be aggrandizement.

But what we are faced with here is changing the corps rules and the rules of the House as far as cost-benefit ratio is concerned, and I do not think that is right; I think it is wrong.

I have listened to the debate. We go back in the history of this bill and this particular project and we look at the original point in 1962 when it was a tripart system, and that is what the representatives, you know, fought for at that point. The figures have been given to me and I have rechecked them. The ratio was 1.3. Now, here it is 18 to 20 years later, and now we are talking about getting into construction. It takes 20 years to get anything done. All you have to do is talk something to death around here. If you talk enough and delay something, the cost-benefit ratio changes because of inflation and everything else we are dealing with.

We hear all kinds of specious arguments. We hear about the deficit, that are going to fall apart on the deficit. That is not the issue. We still have to go through appropriations.

So it is eminently not fair. It is the wrong thing to do, and it does not protect the sovereignty of the other States and their programs that are involved. Otherwise we would be in a position where we would come up with a whole group of amendments, and we would say, "All right, now, Louisiana, New Jersey, New York, we are going to change the ground rules. We are going to add other things that are going to reduce your cost-benefit ratio."

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. ROE. Of course, I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I thank the gentleman for yielding.

I tell the gentleman that he is my dear friend and colleague, and I ask the distinguished chairman this: If this has been argued and debated and studied and thought out, why does the gentleman have in his bill this requirement that—

Mr. ROE. Mr. Chairman, if the gentleman will give me back some of my time, he does not have that in his bill. That bill the gentleman is holding up there is the bill of the Public Works Committee of the House of Representatives. That is not Mr. SMITH's bill. I would almost have to take a little umbrage on that. That was decided. What is in this bill was decided by a vote of the subcommittee unanimously and decided by the full Committee on Public Works unanimously.

Mr. WEAVER. Mr. Chairman, will my friend yield for another question?

Mr. ROE. Of course, I yield to the gentleman from Oregon.

Mr. WEAVER. Then why did the Public Works Committee put in the bill another study?

Mr. ROE. Because of you.

Mr. WEAVER. Excuse me?

Mr. ROE. Because of you.

Mr. WEAVER. Oh, I see.

Mr. ROE. We did not want to doubt you. You had asked us for this over the last 3 or 4 years. You said, "Give us fair play. Give it another evaluation." And because you asked to put it in there, that is why it is in there.

Mr. Chairman, I hope that we will vote down this amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am a little puzzled by this debate we have just heard, and I would like to ask the distinguished chairman of the subcommittee if he can clarify something.

As I understood this debate, a technical amendment was offered which said that the money already appropriated shall not be considered by the corps in making its cost-benefit analysis; is that correct? And it was agreed

to by a unanimous-consent request; is that correct?

Mr. ROE. Mr. Chairman, if the gentleman will yield, is he talking about the amendment that the gentleman is offering now?

Mr. SEIBERLING. No, I am talking about the amendment that he was talking about which, as I understand it, was offered under an unanimous-consent request as a technical amendment that directed the corps not to consider money already appropriated in making its cost-benefit analysis. Is that correct?

Mr. ROE. Mr. Chairman, if the gentleman is asking me to respond and if the gentleman will yield, if the gentleman is suggesting that because the unanimous-consent request was offered and not voted on or no one objected to it, I would answer that that is the process of the House.

Mr. SEIBERLING. No, I am asking, was that offered as a technical amendment?

Mr. ROE. No amendments are offered as technical amendments. They are offered as amendments. This was under the rule.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. Yes, I am happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. It was offered as part of the committee amendment and printed in the RECORD.

Mr. SEIBERLING. All right. Then that gets me to the next question.

The gentleman said that we cannot change the rules surreptitiously. Well, this amendment was printed in the RECORD, so it was not surreptitious. But is it not changing the rules when you direct the corps to delete from consideration in the cost-benefit analysis money that has been appropriated but not yet spent or even obligated? Is that not changing the rules a bit?

Mr. ROE. Mr. Chairman, if the gentleman will yield, what we are talking about here is that this project has been approved since 1962.

Mr. SEIBERLING. Yes, but that is not my question.

Mr. ROE. Do I have a right to answer it in my way, or does the gentleman want to answer it for me?

Mr. SEIBERLING. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. I would respectfully request the right to answer it in my way, and I think I am owed that courtesy. I just want to give you the background. It is important.

This project was approved in 1962. If the committee did not take any action to reevaluate it, we would go ahead and build it. The gentleman for Oregon would go ahead and build it. The gentleman from Oregon would go to the Appropriations Committee, and so forth. After debate and discussion,

with the concerns of the distinguished gentleman from Oregon, we said, "Let's have another reevaluation before going ahead."

So this is the language the committee put in, because we considered that to be appropriate language. That is why we put it in there, and it was adopted unanimously by the committee in both subcommittee and full committee.

Mr. SEIBERLING. Be that as it may, it does strike me that it is changing the rules to direct that money that has not been spent or even obligated not be considered in doing a cost-benefit analysis.

Mr. ROE. Mr. Chairman, will the gentleman yield further?

Mr. SEIBERLING. Yes, of course, I yield to the gentleman from New Jersey.

Mr. ROE. There are forces among us who have differences in opinion and philosophy, and I know from the gentleman's distinguished record here in the House that he appreciates that.

Mr. SEIBERLING. Absolutely.

Mr. ROE. So I cannot fault Members who seek accommodation. They try to foster their philosophy that this project should be killed.

Now, we had a dozen amendments all over the lot time ad nauseam on the issue. So this is just another amendment for another methodology to kill this project. In fair play—and that is what I am using—we understand where this is coming from. If we were dealing in logic and fact, that would be one thing, but we are dealing with a methodology—and I respect the system—to defeat this project.

So I am not so sure that the gentleman's logic, although I have the greatest respect for his work, really does what we should be doing.

Mr. SEIBERLING. Mr. Chairman, let me say that I think the gentleman's committee has worked very hard, and the gentleman has worked very hard to try to do some pioneering work here and bring out a bill that we can all support. I think we are all grateful to him and the committee for doing that.

But this kind of manipulation of the cost-benefit analysis that the Corps of Engineers would otherwise have made differently strikes me as bringing discredit on the whole bill.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. SEIBERLING] has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, it also seems to me to be a little ironic, in view of all the calls we have been hearing from that side of the aisle in particular in recent days about the terrible deficit and how we have to get it

under control, and then we find that they want to pull something like this.

I would think that the gentleman from New Jersey ought to accept the amendment offered by the gentleman from Oregon simply to eliminate any question about the validity of this project, and the gentleman from Oregon [Mr. ROBERT F. SMITH] ought to be glad to have that done.

Therefore, Mr. Chairman, I am going to strongly support the amendment offered by the gentleman from Oregon [Mr. WEAVER], particularly at this time when we have just passed a bill to increase the debt limit by \$80 billion and we are using this kind of maneuvering of the figures to make it appear that the cost-benefit ratio of the project is quite different from what it actually would be otherwise.

□ 1500

Mr. HOWARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I thank our distinguished chairman for yielding to me.

I respect very much where the gentleman is coming from; but you know, why should it be at the night's final hour after we have worked for 3 years on this legislation, we have met with just about everybody in every State. There has not been a problem that has been brought to us, it has nothing to do with the elephant and the donkey, it has to do with the needs of this country.

If there was ever a bill going through the House of this magnitude and in fair play and equity, it is this bill.

When we had the argument on the cross-Florida barge canal, we did not just surreptitiously—again, pardon me, I have to learn a new word—we did not just go and take that for granted. We went to Florida. Granted, it was in the summertime, it was not in the wintertime. Maybe we will think better on that schedule the next time around; but we solved it between the brothers and the sisters, because it was equitable and fair, and so the litany goes.

Now, in effect, this language would knock out the grandfathering clause going back to 1962 of this bill. It is that simple and that same maneuver can be used on this floor on any single project from any single State. That is the issue. It does not have to do with manipulation.

This gentleman, BOB ROE, does not manipulate anything. He does not have to manipulate. It either stands on its own or it does not.

I have to take umbrage with that word manipulation, because I resent it. We do not have to manipulate, and the other side is not manipulating, because projects have come up on this side where Members in your States

who needed help got help from the other side, as we tried to work together.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes, I yield.

Mr. SEIBERLING. Mr. Chairman, let me just say, I am not saying the gentleman from New Jersey [Mr. ROE] is manipulating. He accepted an amendment which was offered under unanimous consent, was printed in the RECORD, and no one objected, but I say the person who drafted that amendment was trying to manipulate what would be a cost-benefit ratio on a different basis, that is all.

Mr. ROE. I would hate to see us get into this kind of a personalized approach.

May I respectfully suggest to the distinguished gentleman that every word and every paragraph and every section that is written in this bill has been thoroughly reviewed by the subcommittee, by the full committee, by 52 Members of this House. There is no manipulation, and that is the point I want to make.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, would the gentleman, and he is my dear friend and a most distinguished man imaginable, address the issue? Is it right or is it wrong to count into the costs of the dam the \$32 million that has been appropriated, and not spent? That is the specific issue.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank my colleague.

I am on the side being accused of manipulation. I do not appreciate it, either. I am not on this committee, but I can assure the gentleman from Ohio that anything that is printed in the RECORD for everyone to examine, if there was manipulation, what was it?

The gentleman suggests the rules were changed. The rules were changed when an accommodation was made by Chairman ROE for the gentleman from Oregon for a restudy.

The law does not require a restudy during construction, does not require this; but the manipulation or the change in the rules was a change to make another examination; so when you do that, you are doing something out of the order of law, so you have to spell out the ground rules and it is not unprecedented.

Would you consider money that has been appropriated as already funded, because it is construction money subject to being funded at any moment?

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, let me assure our distinguished colleague, the gentleman from Ohio, that the gentleman from Oregon did not manipulate. The gentleman from Minnesota did not manipulate. This side did not manipulate. The gentleman from Oregon came to us with a request and the committee wrote that language. It was not the language of the gentleman from Oregon. It was not my language. It was committee language.

With that, with the acquiescence of my Chairman, I yield back.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, I would not suggest that anybody did not follow the rules, that anybody in the House did not follow the rules. The rules were followed completely; but what is not being followed is the rules that the Corps of Engineers said they would otherwise follow if it were not for this particular provision in the bill. That is the change in the rules that would otherwise have been followed. It seems to me that that is a form of manipulation.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. HOWARD] has expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 1 additional minute.)

Mr. HOWARD. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. Mr. Chairman, on my wall I have a plaque that says, and I may be sending it to everyone for Christmas—maybe I should not say that, that is going to cost me—on the wall it says, "More mistakes are made from lack of facts than from poor judgment."

Let me repeat that, "More mistakes are made from lack of facts than from poor judgment."

We speak of changing the ground rules. When this project was approved in 1962, the authorized discount rate was 3½ percent and the cost-benefit ratio was 1.3.

The Government over a period of years has changed the discount rates on every project, by the way. Now the new discount rate is 8½ percent, almost 3 times as much.

Who changed the rules? That is all you have to ponder. Who changed the rules?

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, it is hard to believe that we are redoing this argument, but maybe it is a service to those members of the committee who supported this project in the past. One of the reasons we are now arguing over the cost-bene-

fit study is the same reason we are arguing over the project.

This project cannot stand on its own two feet. This project cannot stand on the merits. That is what the GAO has said. That is what the Bureau of Reclamation said when they were invited to participate at one point and that is what the Corps of Engineers has said about this project.

So the question is whether or not we are going to go ahead and vote for the project in spite of the kind of detrimental information and discussion of facts that has taken place on behalf of this project.

I would hope that the membership of this committee would consider that. That is what gives Government spending a bad name, if you will, because we have an entirely worthless project that nobody wants, and yet we now find out that we cannot stop ourselves from spending this money.

We are like junkies hooked on this expenditure. The question here is very simple, whether or not for one time we can show a little bit of restraint.

As I told members of this committee, I am the chairman of the Authorizing Committee for a number of water projects in this country. It is rare that I find one where the Corps of Engineers and the other agencies that have looked at it have said this one will not work, because they are under tremendous political pressure to suggest that all of them work.

There are many, many valid projects throughout the United States. There is far less money to fund those projects than there are requests for the expenditures of that money and if we do not start weeding out and reformulating and reconfiguring a number of these projects that were authorized in the forties, the fifties, and the sixties, we will never be able to meet the real needs of this country with respect to water development, to the infrastructure development.

If we are simply going to carry forth every project whether or not we any longer have a need for it, then I suspect we will never get on to the real agenda in this country of rebuilding and building anew for the needs of this country.

I would hope that the Congress would reject this project as they had an opportunity to do last week, but failed to by a very narrow margin.

As for the argument that somehow the gentleman from Oregon or myself or the gentleman from Ohio or the gentleman from Massachusetts were somehow meddling, that we were meddling in another Member's district, I just do not think that holds water; because, you know what, I represent 500,000 people in my district, many, many of whom are taxpayers who work hard for that money and we have some obligation to look at how we expend that money, whether it is

in your district or any other Member's district in this House.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I thank the gentleman for yielding and for his good words. He makes eminent good sense and we should ponder his words.

But I would like to tell my friend, the gentleman from New Jersey, that I was a builder for many, many years. I built office buildings, apartment houses, housing developments, and if I want to the bank in 1962 and got a commitment from the bank for a mortgage loan, they would guarantee me a 3¼-percent interest rate, or some such interest rate, but I had to build it right then. If I said, "Now, I want you to give me that commitment for 23 years," they would have laughed me out the window.

If I said, "I'm going to come back in 23 years and build this project and I still want the 3¼-percent interest rate," they would have said, "You're crazy," or I would have had to pay through the nose for it.

You know those commitments cost you money. You have got to pay a point or two points or three points or five points sometimes for a commitment just for a couple years.

So the idea that you are changing rules midstream by saying you have to have a current interest rate, I mean if the Government were still borrowing for 3¼ percent, fine, but the Government is not borrowing for 3¼ percent anymore. They are borrowing for a lot more than that. So that argument I am afraid does not hold.

Remember what the issue is in this amendment. The issue is, shall the \$32 million appropriated, but not spent on the dam, be counted as a part of the cost of the dam?

My friend, the gentleman from Oregon [Mr. ROBERT F. SMITH] says, Oh, no, it has been appropriated, so it is not part of the cost of the dam.

I cannot tell that to my taxpayers. I cannot tell that to the people at Goose Bay who want their road built.

I thank the gentleman for yielding.

Mr. ROBERT F. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. ROBERT F. SMITH. Mr. Chairman, that is not true at all. The point of the issue here is changing the interest rate on a dam that is under construction from 3¼ to 8¼. It has nothing to do with money.

I have always said that the appropriated money ought to be a part of the sum cost. I think the gentleman is saying just the opposite. Therefore, there is precedent, and the Corps of Engineers has told me personally that they evaluate projects under construc-

tion with appropriated funds. They recalculate the cost-benefit ratio under those same procedures.

I am not changing the procedures. This has nothing to do with money. The issue is changing the interest rate and I suggest again it is a precedent that could apply to every project.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(At the request of Mr. WEAVER, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, let me quote the language that the gentleman put in the bill last Wednesday. In the valuation, the Secretary shall include in this study funds appropriated by previous Congresses as well as any funds appropriated by the 99th Congress—that is the \$32 million—as sum costs.

The gentleman can read.

Mr. MILLER of California. That is how we get into these situations, where pretty soon we will all be told that it is more expensive to stop this project than it is to complete it, because now you are moving funds from one category to another for the purpose of doing that evaluation, so you will be back here next year when once again you are embarrassed by the actions you took this year. You will be told now that it will be far more expensive to not complete this dam, even though this dam has not been started, to not complete this dam than it will be to finish it, and then you will really be in a terrible situation vis-a-vis the taxpayers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WEAVER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title XI?

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBERSTAR: Page 399, after line 5, insert the following:

Sec. 1199K. The Secretary shall conduct studies, in cooperation with Canada, for the purposes of providing plans for the development, utilization, and conservation of water and related land resources in the Rainy River Basin, Minnesota, and Ontario, at an estimated cost of \$400,000. Such studies shall include appropriate consideration of the needs for flood reduction, wise use of flood plain lands, navigation facilities, hydroelectric power generation, water supply, water quality, general recreation facilities, enhancement and conservation of fish and wildlife, and wild rice production. Such study shall be compatible with comprehensive development plans formulated by other agencies.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, we are prepared to accept this amendment. The study amendment is an excellent amendment. Again, we have reviewed it on the Rainy River Basin project. It is very appropriate and we have no objection to it.

Mr. OBERSTAR. It deals with structures on the water flow on the river basin that are more than 50 years old and need to be reviewed, but before we do anything, we need an analysis of the total impact.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I want to commend my distinguished colleague, the gentleman from Minnesota, for his amendment. I think it is a very appropriate amendment. It certainly improves the bill. It is a much needed study that should be conducted in northern Minnesota on these facilities.

I commend the gentleman and ask that the House accept the amendment.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for his comment. The water flows affect our joint district and both of us will benefit from an appropriate study.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title XI?

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman of our subcommittee, the gentleman from New Jersey. It seems to me that section 1159 of the bill and the committee report on that section both lend themselves to misinterpretation. It is my understanding that section 1159(a) is meant to provide that in deciding whether or not to prepare feasibility reports for flood control projects, the Secretary shall not take into account frequency of flooding, drainage area, and amount of runoff.

However, once the decision to prepare a feasibility report has been made, any such report will take into account all factors pertinent to a sound cost benefit analysis, including

frequency of flooding, drainage area, and amount of runoff, where appropriate. Is that a correct interpretation of the committee's intent.

Mr. ROE. If the gentleman will yield, the gentleman is absolutely correct.

Mr. PETRI. In that case, I will not offer the amendment I had prepared to eliminate section 1159(a). I personally have some concern that the corps should not get involved in de minimis projects, but I do not wish to oppose the consensus view of the committee on that issue.

□ 1515

Mr. BLILEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I can see where the opponents of this bill in the House and in the Senate think they have good reasons not to support this legislation. They'll say, "It's costly pork-barrel politics." And, quite frankly, if one were to just look at the bottom line of this bill, it does appear to simply authorize a great deal of taxpayer money to be used for building pet projects in our home districts.

Ladies and gentlemen, nothing could be further from the truth—and you're hearing that from a staunch fiscal conservative. I have always strongly supported Chairman ROE and Chairman HOWARD because I know first hand the economic benefits of this bill. Economic benefits which stem not only from the revenue these projects will generate, but also because of the dollars they will save our Federal, State, and municipal governments from payouts in disaster relief.

In 1969, the floods from Hurricane Camille caused \$9 million worth of damages in my district. In 1972, Richmond was flooded by Hurricane Agnes and the damages came to \$38 million. Last week, the second most devastating flood in Richmond's history left behind an estimated \$47 million in damages. If you add that up, Richmond alone has suffered \$94 million in losses in the past 13 years. The Federal Government has had to pay at least 75 percent of those damages. That amounts to about \$66 million.

If Richmond's floodwall had been built in 1972, when it was first requested, the cost to the Federal Government would have been \$32 million—\$32 million versus \$66 million that has already been spent in emergency flood relief. Because of those costs in relief money, Congress has managed to double the cost of the floodwall in the 15 years we've held this bill up. I ask you: Is that the fiscal responsibility that opponents of this bill are asking for?

The figures I've just given you do not even account for the revenue foregone which could have been generated were the floodwall already in place. In the last 2 years, millions of dollars of

private money was used to rebuild historic Main Street Station, which is located in a flood-prone section of the city. This investment was made in good faith on the city's commitment to build a floodwall. The day before the Main Street Station Shopping Mall was to open for business, the latest flood pushed the James River's waters onto the first floor of that structure. Who in their right mind would continue to invest in an area that is so prone to disaster?

Financial impact studies conservatively estimate \$400 million in new development behind the floodwall when and if it is ever built. That would add \$6 million per year to the tax base of the city of Richmond and the good Lord only knows how many new federally taxable incomes would be born out of this new development.

With the income from the new development and the saving of emergency relief funds, this floodwall will pay for itself in a few short years. After that, you can consider this floodwall a revenue-generating project for Richmond. For Richmond, for Virginia, and for America. The city of Richmond understands that. The Richmond City Council unanimously passed a resolution to raise its share of the funds in order to get the project underway. The managers of this bill know this project will pay off. They have fought hard for it for 15 years and for that I could never thank them enough.

For those who do not think this bill is fiscally responsible—that argument just does not hold water—if you'll pardon the expression. And that doesn't just go for my project. I trust Mr. ROE, Mr. HOWARD, Mr. STANGELAND, and Mr. SNYDER have scrutinized all of the projects in this bill as closely as they did mine, and I am sure that all of those projects will one day enhance the Treasury just like the project in Richmond.

I hope the day never comes when you have to tour your district after a disaster like I had to do last Friday. The damage that occurred was one of the greatest tragedies I have ever witnessed and the potential for even greater damage was there as well. In 1972, during the Agnes flood, the city was without water for nearly 4 days. Luckily, no tragedies occurred during that time. But, what would have happened if the city lost its water again and there were a fire? My guilt would be tremendous, knowing that, along with my colleagues, I could have prevented that life-threatening disaster.

It is time to lend overwhelming support to this bill to show the President and the Senate that this time we mean business—and that if they mean business about balancing the budget, which I believe they do, making this bill law is one good shortcut to doing

so. Anybody who is willing to look a few years down the road will see my point.

I thank all of those who have labored so hard for so long to see this bill passed, and I hope this is the end of their battle.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. Certainly. I am happy to yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the gentleman from Virginia for a very thoughtful statement. There is a perception, I think, in this country that is very unfortunate that the projects in this bill are somehow things at the margin, or frills, and not really necessary.

I think the gentleman, who is known and respected in this House as a fiscal conservative, has done a very major and important thing by stating that there are real values to be achieved by the building of these projects.

I come from the great Pacific Northwest. I can tell my colleagues of the many projects that have been built out there over the years that have vitally helped our economy, protected us from the kinds of floods and disasters that the gentleman is talking about. I think it is important for the people and for the media of this country to understand that the projects that we are talking about in this bill have been scrutinized beyond scrutiny. We could not have looked over projects more closely than the projects in this bill.

I want to compliment the chairman, and the ranking minority member, and the members of this committee for the job that they have done. It is a thankless job because of this perception problem that we continue to battle, but I think the projects in this bill are good and can be defended, and I want to compliment the gentleman from Virginia for a very thoughtful and courageous statement.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BLILEY] has expired.

(By unanimous consent, Mr. BLILEY was allowed to proceed for 1 additional minute.)

Mr. BLILEY. I want to thank the gentleman for his comments, and I must also say, as he well knows, that after the scrutiny of this committee that we must also go through the scrutiny of the Committee on Appropriations in this body and the other body as well.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Minnesota.

Mr. STANGELAND. I thank the gentleman for yielding.

Mr. Chairman, I want to add my word of commendation to the gentle-

man from Virginia, and also my commendation to the gentleman from Washington for some things that he pointed out.

From the years 1978 to 1984, 7 years, corps flood control projects have saved \$78.5 billion in damages. That is in 7 years. And those are just the flood control projects.

Mr. BLILEY. Reclaiming my time, would the gentleman repeat that figure?

Mr. STANGELAND. \$78.5 billion in 7 years in savings because of flood control projects.

Mr. BLILEY. I thank the gentleman for his comments.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words, and I do so to engage the distinguished chairman of the subcommittee in a colloquy, if I might. I am interested in a colloquy relating to the cost-sharing provisions of section 1122 of the bill.

Mr. Chairman, as you know, section 1122 deals with the upper Mississippi River System Management Act of 1985, which includes various habitat rehabilitation and environmental enhancement projects designed to provide for the balanced development of the Upper Mississippi River. Specifically, this section calls for individual projects to be undertaken both on Federal and State lands. The member States of the Upper Mississippi River Basin Association are concerned over the cost-sharing formulas as they pertain to the unique programs included in this section.

Recognizing that many of the projects included in this section will be done on lands within the Upper Mississippi Refuge, a federally owned wildlife refuge, the association feels the costs associated with these projects should be borne at the Federal level. In fact, the comprehensive master plan for the management of the Upper Mississippi River System, which is the study responsible for this section of the bill, calls for a 100 percent Federal share for these projects.

Is it the chairman's intent that the cost-sharing provisions as they exist in this legislation, be consistent with the cost-sharing provisions in the master plan?

Mr. ROE. If the gentleman will yield, I want to thank, the gentleman from Wisconsin for his excellent understanding of this complicated piece of legislation.

The gentleman is correct in his understanding of the cost-sharing provisions as they relate to the Upper Mississippi River master plan.

Let me add, if I may, that the committee recognizes the unique nature of the Upper Mississippi System. We recognize this system as a nationally significant ecosystem, and a nationally significant commercial navigation system and have directed the Secre-

tary to administer this system in recognition of these purposes.

Mr. GUNDERSON. I want to thank the chairman for his assurance that cost sharing for projects authorized pursuant to section 1122 of this legislation is consistent with cost sharing for such projects as envisioned in the master plan study.

As a followup then, Mr. Chairman, is it the Committee's intent to also provide for full Federal cost for those projects located on State lands which are provided for under section 1122 of the bill?

Mr. ROE. I can assure the gentleman from Wisconsin that it is the intent of this committee that the Federal Government stand ready to assume the responsibility for the projects listed in section 1122, as provided for in the master plan.

I would point out, however, that any new authorization of projects on the Upper Mississippi River not a part of the master plan included in this authorization bill must observe, of course, the same cost-sharing requirements implemented in the legislation for any new projects.

Mr. GUNDERSON. I would like to thank the chairman for his explanation, and thank him for his commitment and his hard work not only on the bill but, as I have said so many times, what the gentleman has done in this bill, his efforts personally, along with those of the gentleman from Minnesota [Mr. STANGELAND], have done more to save the Upper Mississippi River than probably any two Members of Congress in the history of this country and we thank them very sincerely for that.

□ 1525

AMENDMENT OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUGHES: Page 323, line 4, after the period insert the following:

With respect to the Delaware River, Philadelphia to the sea navigation project, the Secretary—

(1) shall conduct continuous monitoring of the materials being disposed of at the area known as the Penns Grove Disposal Area in Carneys Point, New Jersey;

(2) shall conduct continuous monitoring to ensure that there is no leakage into or contamination of any underground aquifer from such area;

(3) shall not fill such area, or allow such area to be filled, to an elevation in excess of ten feet; and

(4) shall not use, or allow to be used, for disposal of dredged material from such project any area immediately adjacent to the Penns Grove Disposal Area.

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, first I want to take an opportunity to congratulate the chairman of the subcommittee and the ranking member, the gentleman from Minnesota [Mr. STANGELAND] for an outstanding job. I know it has been a labor of love, and I know in Bob Roe's instance, and I am sure this is the case with the gentleman from Minnesota [Mr. STANGELAND] that they have spent more time on this legislation I am sure than most committees spend on legislation. It has been a career. It is very finely tuned legislation, something that we can all be very proud of, and I strongly support the bill.

Mr. Chairman, the amendment I have offered today is designed to correct a very difficult situation which we currently face involving the Penns Grove disposal area, located in Salem County, NJ.

This area consists of some 335 acres located in Carneys Point Township. The Army Corps of Engineers, which owns the property, plans to use it as a disposal site for materials dredged from the Delaware River as part of the Philadelphia-to-the-Sea project.

In order to prepare the site for use as a disposal area, the Army corps entered into a contract with a private firm to excavate the site. Between 1974 and 1979, this contractor removed some 3 million cubic yards of sand and gravel from the site, leaving behind a huge gravel pit. These excavation activities were a cause of great concern to the local community from the day they started until the day they stopped.

The huge trucks rumbling through the area caused noise and dust problems; they tore up the roads and they unnecessarily disrupted and despoiled an otherwise beautiful neighborhood. In return, the local communities received no ratables from the commercial operations and no compensation from the Army corps.

What's more, the contractor violated the terms of his agreement with the Army corps by digging so deep that he actually breached the underlying aquifer, causing a significant exposure of the so-called Cape May formation. This aquifer is the primary source of drinking water in Salem County. It was apparent that disposal of the heavily contaminated dredged materials from the anchorages in and around Philadelphia at the Penns Grove site would pose an immediate threat to public health and safety in the area.

The Army corps finally threw the contractor off the site, and has otherwise acted to address this problem by installing a slurry trench cutoff wall and a ground water protection blanket. They are designed to prevent leak-

age of contaminants into the ground water. Although this slurry trench is now in place, the local residents and I remain extremely concerned about the possible contamination of the drinking water in Salem County. Accordingly, the first part of my amendment would require the Army Corps of Engineers to conduct continuous monitoring of both the Penns Grove disposal area and the materials which are being dumped into it, to make sure there is no leakage of harmful material from the site.

The second part of my amendment would restrict the Army corps from filling this site to an elevation higher than 10 feet. This is a prime waterfront site which will have great value once the disposal activities are completed. My amendment would preserve that value by ensuring that the Army corps does not fill as proposed to an elevation of 35 feet—thereby creating a huge mound—and then walk away from the site, leaving it useless and unsightly. That would not be fair or reasonable.

The final part of my amendment would prohibit the Army corps from excavating or using any areas immediately adjacent to the Penns Grove disposal area for disposal activities related to the Philadelphia-to-the-Sea project. I realize that Salem County benefits both directly and indirectly from the commercial operations along the Delaware River, and that it is important to maintain the river at a proper depth to support these activities. I also realize that the Army corps is in need of suitable disposal sites.

At the same time, however, this area has done more than its fair share over the years to meet the Army corps' demands for disposal areas. It is time for the Army corps to begin looking elsewhere for disposal sites—including the other side of the Delaware River. Moreover, it doesn't make sense to jeopardize the region's water supply any more than they already have.

My amendment would allow the Army corps to use the Penns Grove disposal area in a limited and responsible way over the next few years, while also providing a reasonable amount of time for the corps to identify and prepare alternative disposal sites. I believe that this is a fair and sensible solution to a bad situation, and I would urge the House to adopt my amendment.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I will be happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I appreciate the extraordinarily kind words the gentleman has expressed to our committee and its members, and not because of that alone, but because we have had a chance to review the language, we think it is an improvement

in the Delaware-Philadelphia navigation project, and it is a better monitoring system than is going on now. We have no objection to the amendment on this side.

Mr. HUGHES. I thank the gentleman.

I think the gentleman would agree it is really important to make sure that this disposal area, which basically is a gravel pit right now because the contractor exceeded his authority and dug into the aquifer, that it is both important to monitor the disposal going in there, and second of all, to put a cap on it so that when this choice waterfront property is completed that we have something that can be used by the communities in the surrounding area.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Minnesota.

Mr. STANGELAND. Mr. Chairman, I, too, want to commend the gentleman and thank him for his fine words and commend him for the amendment.

This House has passed a clean water bill and what the gentleman is saying is let us monitor this disposal area to make sure that we keep that water clean, and I want to commend him for it. Certainly we on this side accept the amendment and think it is an excellent addition to the bill.

Mr. HUGHES. I thank the gentleman. Also, to put a cap on the amount of fill so that we can use the property in the years ahead after the disposal is completed in that area, and so that we do not have a giant mountain on this choice waterfront property.

I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. HUGHES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DAUB

Mr. DAUB. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAUB: On Page 399, after line 5, and immediately before title XII, insert the following section:

Sec. 1199K. Papillion Creek and Tributaries Lakes, NE, Site 20 on the West Papillion Creek shall hereafter be known and designated as the 'Wehrspann Lake'. Any reference in a law, map, regulation, document, record, or other paper of the United States to such Site shall be held to be a reference to the 'Wehrspann Lake'."

Mr. DAUB (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. DAUB. Mr. Chairman, I recently learned that the general manager of

the Papio Natural Resources District, Mr. Jerry R. Wehrspann is terminally ill. Mr. Wehrspann has been the driving force behind the Papio watershed project in eastern Nebraska to prevent related flooding problems that have occurred and reoccurred in our part of the State. He has been the head of the Papio Natural Resources District since it was first organized in 1972.

My amendment will name the lake at dam site 20 on the West Papillion Creek as "Wehrspann Lake." This dam site is a part of the project Mr. Wehrspann has so devotedly promoted over the last 13 years.

Considering the tremendous contribution that Mr. Wehrspann has made to flood control in Nebraska, I ask that the amendment be adopted.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I am happy to yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, I want to compliment the gentleman for his splendid amendment. I too join him in recognizing the great work that Mr. Wehrspann has carried out in his contribution to our country. So we certainly accept the amendment.

Mr. DAUB. I thank the chairman, and as a former Member of this distinguished subcommittee and full committee that brings a bill that I got to help work on 2 years ago to the floor today again, and because I am in full support of the effort that we are about to pass on the floor of the House this afternoon, I want to thank the distinguished chairman and ranking Member for their support of this particular noncontroversial amendment.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. DAUB. I am happy to yield to the distinguished ranking Member of the subcommittee, the gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. I want to commend the distinguished gentleman from Nebraska and also point out that in these kinds of instances, it is well to recognize people who have made a major contribution, and recognize them while they are here to enjoy that recognition. I commend the gentleman.

Mr. DAUB. I thank the gentleman for his support. I want to indicate that all of the people of Nebraska will very much appreciate this gesture on behalf of Mr. Wehrspann today in the House of Representatives.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. DAUB].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title XI of the bill?

If not, the Clerk will designate title XII.

The text of title XII is as follows:

TITLE XII—WATER RESOURCES POLICY ACT

SUBTITLE A—SHORT TITLE

SEC. 1201. This title may be cited as the "Water Resources Policy Act of 1985".

SEC. 1202. Nothing in this title shall be construed to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of water or related land resources planning, development, or control; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects.

SUBTITLE B—NATIONAL BOARD

SEC. 1221. There is hereby established a National Board on Water Resources Policy (hereinafter in this title referred to as the "Board") which shall be composed of seven members as follows: (1) the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Administrator of the Environmental Protection Agency, or their respective designees, (2) two members who shall be appointed by the President with the advice and consent of the Senate, one from among nominations made by the Speaker of the House of Representatives, and one from among nominations made by the President pro tempore of the Senate; and (3) a Chairman who shall be appointed by the President by and with the advice and consent of the Senate. Any person designated a member by a Secretary or Administrator must be designated from among persons who are officers of the United States appointed by the President with the advice and consent of the Senate. The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The two additional members appointed by the President shall be compensated on a daily basis for each day of service at the daily rate applicable to level IV of the Executive Schedule under section 5313 of title 5, United States Code, and shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Board. During the period of his service on the Board, the Chairman and the members appointed by the President shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government. No retired officer or employee shall receive from the Federal Government for retirement benefits and service to the Board total compensation which exceeds the applicable rate for level III or IV of the Executive Schedule, as the case may be. The Chairman of the Board shall request the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Energy and the heads of such other Federal agencies as may be appropriate to participate without a vote with the Board when matters affecting their responsibilities are considered by the Board. The Board shall meet at least once during each quarter of the year. Any action of the Board shall require a quorum to be present and a majority vote of those members present and voting.

SEC. 1222. The Board shall—

(1) perform studies and prepare assessments at such intervals as the Board may

determine, of the adequacy of supplies of water (both quality and quantity) necessary to meet the water requirements in each water resource region in the United States and the national interest therein, taking into consideration the special needs of rural areas due to increasing demands for water to provide sustained economic development and agricultural productivity; and

(2) perform studies and prepare assessments of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; appraise the adequacy of existing and proposed policies and programs to meet such requirements; and make recommendations to the President and to Congress with respect to Federal policies and programs.

For purposes of this section, policies and programs shall include, but not be limited to, water and related land resources planning, development, management, and conservation; integration of water quantity and water quality planning and management; and enhancement of State and local capabilities with respect to water and related land resources planning, development, management, and conservation.

SEC. 1223. (a) The Board shall assist in interagency coordination of Federal water resources research. Such coordination shall include, but not limited to, (1) continuing review of the adequacy of Federal programs in water resources research and identification of technical needs in various water resources research categories, (2) identification of duplication and overlapping between two or more Federal water resources research programs and elimination of such duplication and overlapping to the extent that this may be accomplished under existing law, (3) recommendations to the Federal agencies involved in Federal water resources research with respect to allocation of technical efforts among such agencies, (4) recommendations to such Federal agencies concerning management policies to improve the quality of Federal research efforts, and (5) actions to facilitate interagency communication at management levels.

(b) The Board shall report annually to Congress concerning actions taken to implement this section and include in such report any recommendations for changes in legislation that it deems appropriate to meet the objectives of this section.

(c) For the purposes of this section, the Board shall make use of the Water Resources Scientific Information Center, established under section 302 of the Water Research and Development Act of 1978 (Public Law 95-467), or any successor agency.

SEC. 1224. (a) The Board shall establish by rule, after such consultation with other interested entities, both Federal and non-Federal, as the Board may find appropriate, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, and national economic development shall be the objectives to be in-

cluded in each such project, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of each such project. Such principles, standards, and procedures shall require that every report relating to any such water or related land resources project include specific information on the benefits and costs attributable to each of such objectives. Such principles, standards, and procedures shall also define the objective of water conservation as including projects, programs, or features thereof, designed to (1) improve efficiency in use and reduce losses and waste of water (including by storage), (2) reduce the demand for water, or (3) improve land management practices to conserve water.

(b) The Board shall establish separate principles, standards and procedures as described in subsection (a) for small Federal water or related land resources projects administered by the United States Department of Agriculture.

(c) The principles, standards, and procedures promulgated under the Water Resources Planning Act by the Water Resources Council, as contained in sections 711.1 through 716.309 of title 18 of the Code of Federal Regulations as those sections were in effect on March 9, 1983, shall be in effect until such time as principles, standards, and procedures established under this section take effect.

Sec. 1225. (a) For the purpose of carrying out the provisions of this subtitle, the Board may (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable; (5) procure services as authorized by section 3109(b) of title 5, United States Code, as rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this subtitle.

(b) Any member of the Board is authorized to administer oaths when it is determined by a majority of the Board that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Board may be made available for public inspection during ordinary office hours.

(d) Upon request of the Board, the head of any Federal department or agency is authorized (1) to furnish to the Board such information as may be necessary to carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Board on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Board shall be responsible for (1) the appointment and supervision of person-

nel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

Sec. 1226. (a) There is hereby established a regional-State water resources advisory committee (hereinafter referred to as the "committee").

(b) The Board shall appoint one member from each of the major water resources regions described in the document entitled "Second National Water Assessment", dated December 1978, and transmitted to the President on January 25, 1979. The Board shall give consideration to recommendations of the Governors of the States which lie wholly or partially within such a region when appointing a member from such region. Each member of the committee shall be selected on the basis of knowledge of water resources management and water resources needs of the region that he or she represents. The chairman of the committee shall be selected by the members from among the members of the committee.

(c) The committee is authorized to submit to the Board the recommendations of the committee on any matter which is before the Board, and the recommendations of the committee shall be included in any recommendations of the Board reported to the President and Congress under section 1222(2) of this subtitle, with respect to such matter.

Sec. 1227. (a) Simultaneously with promulgation or repromulgation of any rule by the Board, under authority of any law of the United States relating to principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation, evaluation, and review of Federal water and related land resources projects, the Board shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Such rule shall not take effect before 90 calendar days of continuous session of Congress following the date of such transmission.

(b) For purposes of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of 90 calendar days of continuous session of Congress.

(c) For purposes of this section, the term "rule" includes, but is not limited to, any rule, regulation, principle, standard, or procedure, or any part thereof.

Sec. 1228. No later than fifteen days following the transmission of the President's budget submittal to the Congress the Board shall transmit to the Speaker of the House of Representatives and the President pro tem of the Senate reports on, as appropriate, Bureau of Reclamation, Army Corps of Engineers, and Department of Agriculture water resource studies or projects (1) which are not included in the President's budget submittal; (2) for which feasibility studies or construction have previously been authorized; and (3) the construction of which have not been completed. Such reports shall include a detailed description of each project, the President's explanation for not including the projects in his budget submittal, and information on the compliance of each project with any relevant principles, standards, and procedures.

Sec. 1229. There is authorized to be appropriated to carry out the provisions of this

subtitle, the sum of \$3,000,000 for each of the fiscal years 1986, 1987, 1988, 1989, and 1990 of which no more than \$50,000 is authorized each such fiscal year to carry out section 1226.

Subtitle C—Assistance for State Water Planning and Management

Sec. 1241. (a) In recognition of the controlling role of the States in State and regional water and related land resources planning and management and a national need for—

(1) water conservation;

(2) State integration of water quantity and water quality planning and management;

(3) State integration of ground and surface water planning and management;

(4) protection and management by the States of ground water supplies;

(5) protection and management by the States of instream values; and

(6) enhanced cooperation and coordination between Federal, State, and local units of government to achieve these goals;

the Congress hereby authorizes the Board to make grants to the States to assist them in the development, implementation, and modification of comprehensive programs and plans for the use, development, conservation, and management of State and regional water and related land resources.

(b) The Board shall, after consultation with the States, prescribe guidelines by rule, no later than one hundred and eighty days after enactment of this title, to carry out its functions and responsibilities under this subtitle.

Sec. 1242. (a) From the sums appropriated for any fiscal year pursuant to section 1244 and upon application of a State, the Board shall make grants to States in accordance with the guidelines prescribed pursuant to section 1241(b) on the basis of population, land area, financial need and the need for water and related land resources planning and management assistance, except that each State shall receive not less than the sum of \$100,000 for each of the fiscal years 1986, 1987, 1988, 1989, and 1990.

(b) The sums allocated under this section shall be matched on the basis of not less than one non-Federal dollar for every Federal dollar. Contributions by the States to fulfill the matching requirements of this subsection may be in cash or in kind.

(c) No funds under this section may be withheld in an effort to force States to alter their water policies to comply with Federal policies or policies of the Board.

Sec. 1243. The assistance provided for State water planning and the programs established pursuant to this subtitle shall be consistent with the provisions contained in section 1202 of this title.

Sec. 1244. There are authorized to be appropriated to carry out the provisions of this subtitle \$20,000,000 per fiscal year for each of the fiscal years 1986, 1987, 1988, 1989, and 1990 all of which is to remain available until expended.

Sec. 1245. For the purposes of this subtitle, "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

Subtitle D—General Provisions

Sec. 1261. The Water Resources Planning Act (42 U.S.C. 1962 et seq.) is repealed.

Sec. 1262. Notwithstanding any other provision of this title, no payment under this

title shall be effective except to such extent or in such amounts as are provided in appropriation Acts.

The CHAIRMAN. Are there amendments to title XII of the bill?

If not, the Clerk will designate title XIII.

The text of title XIII is as follows:

TITLE XIII—BRIDGES OVER NAVIGABLE WATERS

SEC. 1301. (a) The Secretary shall reimburse, from sums appropriated under this section—

(1) the owner of the Port of Houston Authority bridge over Greens Bayou, Texas, appropriately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

(2) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou,

for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purposes of navigation.

(b) There is authorized to be appropriated not to exceed \$450,000 to carry out paragraph (1) of subsection (a) and not to exceed \$250,000 to carry out paragraph (2) of subsection (a).

SEC. 1302. The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have Federal permits and which were constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1985.

SEC. 1303. Section 5 of the Act of August 18, 1894 (33 U.S.C. 499), shall not apply to the drawbridge known as the James A. Burke Bridge crossing the Fore River on Route 3A between Quincy and Weymouth, Massachusetts. The State of Massachusetts shall have the exclusive authority to regulate the opening of such bridge.

The CHAIRMAN. Are there amendments to title XIII of the bill?

If not, the Clerk will designate title XIV.

The text of title XIV is as follows:

TITLE XIV—REPORTS

SEC. 1401. If any report required to be transmitted under this Act to the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

The CHAIRMAN. Are there amendments to title XIV of the bill?

If not, the Clerk will designate title XV.

The text of title XV is as follows:

TITLE XV—REVENUE PROVISIONS

SEC. 1501. SHORT TITLE.

This title may be cited as the "Port Revenue Act of 1985".

SEC. 1502. IMPOSITION OF TAX.

(a) GENERAL RULE.—Chapter 36 of the Internal Revenue Code of 1954 (relating to certain other excise taxes) is amended by inserting after the chapter heading the following new subchapter:

"SUBCHAPTER A—PORT USE TAX

"Sec. 4461. Imposition of tax.

"Sec. 4462. Definitions and special rules.

"SEC. 4461. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax on any port use.

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) on any port use shall be 0.04 percent of the value of the cargo involved.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by—

"(1) in the case of cargo entering the United States, the importer,

"(2) in the case of cargo to be exported from the United States, the exporter, or

"(3) in any other case, the shipper.

"SEC. 4462. DEFINITIONS AND SPECIAL RULES.

"(a) PORT USE.—For purposes of this subchapter—

"(1) PORT USE.—The term 'port use' means—

"(A) the loading of commercial cargo on,

"(B) the unloading of commercial cargo from, a commercial vessel at a port in the United States.

"(2) PORT.—The term 'port' means any port or channel in the United States with a depth authorized by law of more than 14 feet. The term does not include any port or channel with respect to which no Federal funds have been used for construction, maintenance, or operation.

"(b) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) COMMERCIAL CARGO.—The term 'commercial cargo' means any cargo other than fuel supplies, ship's stores, sea stores, or legitimate equipment for the vessel.

"(2) COMMERCIAL VESSEL.—The term 'commercial vessel' means any vessel used—

"(A) in the business of transporting cargo by water for compensation or hire, or

"(B) in transporting cargo by water in the business of the owner, lessee, or operator of the vessel (other than fish or other aquatic animal life caught on the voyage).

"(3) VALUE.—The term 'value' means—

"(A) in the case of an arms length transaction, the sales price determined under the principles of section 4216(a); or

"(B) in any other case, a constructive sales price determined under regulations prescribed by the Secretary.

To the extent provided in regulations, value may be determined on the basis of standard commercial documentation.

"(c) EXEMPTION FOR HAWAII AND POSSESSIONS.—

"(1) UNITED STATES NOT TO INCLUDE HAWAII OR POSSESSIONS.—For purposes of this subchapter, the term 'United States' shall not include Hawaii or any possession of the United States.

"(2) SHIPMENTS TO HAWAII OR POSSESSIONS.—No tax shall be imposed by this subchapter with respect to any cargo loaded on a vessel for transportation to Hawaii or any possession of the United States for ultimate use or consumption in Hawaii or any possession of the United States.

"(d) TREATMENT OF SAINT LAWRENCE SEAWAY TOLLS.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subchapter an amount equal to the Saint Lawrence Seaway tolls treated as paid under paragraph (2).

"(2) ALLOCATION OF TOLLS.—For purposes of this subsection, if—

"(A) any person is liable for the tax imposed by this subchapter with respect to any cargo, and

"(B) such cargo was (or is to be) transported through the Saint Lawrence Seaway, such person shall be treated as paying the portion of any Saint Lawrence Seaway toll paid by any person which is attributable to such cargo.

"(3) CREDIT MAY NOT EXCEED TAX.—

"(A) IN GENERAL.—The amount of the credit allowable under paragraph (1) to any person for any period shall not exceed the amount of the tax imposed by this subchapter for which such person is liable.

"(B) CARRYOVER OF UNUSED CREDIT.—If the amount allowable as a credit under paragraph (1) to any person for any period exceeds the amount of tax imposed by this subchapter for such period for which such person is liable, such excess shall be treated as a credit allowable under paragraph (1) in the succeeding period.

"(4) SAINT LAWRENCE SEAWAY TOLL.—For purposes of this subsection, the term 'Saint Lawrence Seaway toll' means any toll paid to or on behalf of the Saint Lawrence Seaway Development Corporation.

"(e) EXEMPTION FOR TAX WHERE TRANSPORTATION SUBJECT TO TAX IMPOSED BY SECTION 4042.—No tax shall be imposed under this subchapter with respect to any cargo if any portion of the transportation of such cargo on the vessel concerned has (or will be) transportation subject to the tax imposed by section 4042 (relating to tax on fuel used in commercial transportation on inland waterways).

"(f) EXEMPTION FOR UNITED STATES.—No tax shall be imposed under this subchapter on the United States or any agency or instrumentality thereof.

"(g) EXTENSION OF PROVISIONS OF LAW APPLICABLE TO CUSTOMS DUTY.—

"(1) IN GENERAL.—Except to the extent otherwise provided in regulations, all administrative and enforcement provisions of customs law shall apply in respect of cargo subject to the tax imposed by this subchapter (and in respect of persons liable therefor) in the same manner as if such cargo were cargo imported into the United States. For purposes of the preceding sentence, any penalty expressed in terms of a relationship to the amount of the duty shall be treated as not less than the amount which bears a similar relationship to the value of the cargo.

"(2) JURISDICTION OF COURTS AND AGENCIES.—For purposes of determining the jurisdiction of any court of the United States or any agency of the United States, the tax imposed by this subchapter shall be treated as if such tax were a customs duty.

"(3) ADMINISTRATIVE PROVISIONS APPLICABLE TO TAX LAW NOT TO APPLY.—The tax imposed by this subchapter shall not be treated as a tax for purposes of subtitle F of this title or any other provision of law relating to the administration and enforcement of internal revenue taxes.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subchapter including—

"(1) regulations providing that only 1 tax shall be imposed under this subchapter with respect to the transportation of any cargo on the same vessel, and

"(2) regulations exempting any transaction or class of transactions from the tax imposed by this subchapter where the collection of such tax is not administratively practical."

(b) CLERICAL AMENDMENT.—The table of subchapters for chapter 36 of such Code is

amended by inserting the following before the item relating to subchapter D:

"SUBCHAPTER A. Port use tax."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1986.

SEC. 1503. CREATION OF PORT INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT TRUST FUND.

(a) **IN GENERAL.**—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding after section 9504 the following new section:

"SEC. 9505. PORT INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT TRUST FUND.

"(a) **CREATION OF TRUST FUND.**—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Port Infrastructure Development and Improvement Trust Fund' (hereinafter in this section referred to as the 'Port Trust Fund'), consisting of such amounts as may be—

"(1) appropriated to the Port Trust Fund as provided in this section,

"(2) appropriated to the Port Trust Fund pursuant to section 1503(b) of the Port Revenue Act of 1985, or

"(3) credited to the Port Trust Fund as provided in section 9602(b).

"(b) **TRANSFER TO PORT TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.**—There are hereby appropriated to the Port Trust Fund amounts equivalent to the taxes received in the Treasury under section 4461 (relating to port use tax).

"(c) EXPENDITURES FROM PORT TRUST FUND.

"(1) **IN GENERAL.**—Amounts in the Port Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for—

"(A) feasibility studies for, and construction, operation, and maintenance of, projects for ports by the Secretary,

"(B) feasibility studies for, and construction, rehabilitation, operation, and maintenance of, projects for ports for the Saint Lawrence Seaway by the Saint Lawrence Seaway Development Corporation,

"(C) relocations of utilities, structures, and other improvements, necessary for construction, operation, and maintenance of projects referred to in subparagraph (A) or (B),

"(D) making payments to any non-Federal interest which has planned and designed or planned, designed, and constructed a port in accordance with section 104 of the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985,

"(E) grants under sections 113 and 114 of such Act, and

"(F) the payment of all expenses of administration incurred by the Department of the Treasury in administering subchapter A of chapter 36 (relating to port use tax).

"(2) **DEFINITIONS AND SPECIAL RULE.**—For purposes of paragraph (1)—

"(A) **CONSTRUCTION DEFINED.**—The term 'construction' includes any planning, designing, engineering, and surveying which is necessary to carry out a project for a port and which is performed after authorization of the project.

"(B) **PORT DEFINED.**—The term 'port' has the meaning given such term by section 115 of the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

"(C) **REFERENCE TO SECTIONS.**—Any reference to a section of the Water Resources

Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985 shall be treated as a reference to such section as in effect on the date of the enactment of this section."

(b) **AUTHORIZATION OF APPROPRIATIONS TO PORT TRUST FUND.**—There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Port Infrastructure Development and Improvement Trust Fund for each fiscal year beginning after September 30, 1985, an amount equal to the excess of—

(1) \$1,000,000,000, over

(2) the amount of tax imposed by section 4461 of the Internal Revenue Code of 1954 (relating to port use tax) which the Secretary of the Treasury estimates will be received by such Trust Fund during such year.

(c) **CLERICAL AMENDMENT.**—The table of sections for subchapter A of chapter 98 of such Code is amended by adding after the item relating to section 9504 the following new item:

"Sec. 9505. Port Infrastructure Development and Improvement Trust Fund."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1986.

SEC. 1504. INLAND WATERWAYS TRUST FUND.

(a) **IN GENERAL.**—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9506. INLAND WATERWAYS TRUST FUND.

"(a) **CREATION OF TRUST FUND.**—There is hereby established in the Treasury of the United States a trust fund to be known as the 'Inland Waterways Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) **TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.**—There are hereby appropriated to the Inland Waterways Trust Fund amounts determined by the Secretary to be equivalent to the taxes received in the Treasury under section 4042 (relating to tax on fuel used in commercial transportation on inland waterways).

"(c) EXPENDITURES FROM TRUST FUND.

"(1) **IN GENERAL.**—Except as provided in paragraph (2), amounts in the Inland Waterways Trust Fund shall be available, as provided by appropriation Acts, for making construction and rehabilitation expenditures for navigation on the inland and coastal waterways of the United States described in section 206 of the Inland Waterways Revenue Act of 1978, as in effect on the date of the enactment of this section.

"(2) EXCEPTION FOR CERTAIN PROJECTS.

"(A) **CONSTRUCTION PROJECTS.**—Not more than 1/4 of the cost of any construction to which section 202(a) of the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985 applies may be paid from the Inland Waterways Trust Fund.

"(B) **CERTAIN RELOCATION EXPENSES.**—Not more than 1/4 of the cost of any relocation to which section 202(b) of such Act applies may be paid from the Inland Waterways Trust Fund."

(b) **CONFORMING AMENDMENTS.**—Sections 203 and 204 of the Inland Waterways Revenue Act of 1978 (relating to Inland Waterways Trust Fund) are hereby repealed.

(c) **FUEL USE ON TENNESSEE-TOMBIGBEE WATERWAY SUBJECT TO INLAND WATERWAYS TAX.**—Section 206 of the Inland Waterways

Revenue Act of 1978 is amended by adding at the end thereof the following:

"(27) **Tennessee-Tombigbee Waterway:** From Pickwick Pool on the Tennessee River at RM 215 to Demopolis, Alabama, on the Tombigbee River at RM 215.4."

(d) **CLERICAL AMENDMENT.**—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9506. Inland Waterways Trust Fund."

(e) EFFECTIVE DATE.

(1) **IN GENERAL.**—The amendments made by this section shall take effect on January 1, 1986.

(2) **Inland waterways trust fund treated as continuation of old trust fund.**—The Inland Waterways Trust Fund established by the amendments made by this section shall be treated for all purposes of law as a continuation of the Inland Waterways Trust Fund established by section 203 of the Inland Waterways Revenue Act of 1978. Any reference in any law to the Inland Waterways Trust Fund established by such section 203 shall be deemed to include (wherever appropriate) a reference to the Inland Waterways Trust Fund established by this section.

SEC. 1505. COORDINATION WITH OTHER PROVISIONS.

Nothing in any provision of this Act (other than this title) shall be construed as—

(1) imposing any tax (or exempting any person or property from any tax),

(2) establishing any trust fund, or

(3) authorizing amounts to be expended from any trust fund which are not also authorized by this title.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985.

This legislation is badly needed and long overdue. The last true comprehensive water resources legislation to pass this body was in 1970. The Nation's infrastructure is directly tied to the Nation's economic well-being and our quality of life, and it is badly in need of repair and improvement.

I would like to take a moment to cite a couple of examples of what this bill would do. One of these is a project near Hamburg, IA, which provides for the installation of pumping facilities to correct a longstanding problem with flooding in that area. Mr. Lyle Hodde has organized and recruited membership for a pumping district in the area which will pay for operation and maintenance of the pumping facilities. I believe this is a fine example of how Federal resources can be used in cooperation with a local initiative to provide widespread benefits.

The bill also addresses the inequities which have resulted from the construction of Red Rock Dam. Many farmers and property owners have suffered substantial losses from unforeseen flooding caused by the reservoir's lack of holding capacity. This bill authorizes the Secretary of the Army to purchase land adjacent to the reservoir which should have been part of the project from the beginning. The owners of that land would then be compensated for their property which has been rendered virtually useless because of constant flooding

which is beyond the control of the regulation of the Army Corps of Engineers.

While I now support H.R. 6, I want to note that I withheld my support until I saw the inclusion of the cost-sharing measures which will require non-Federal sources to help finance these improvements. Under these new requirements, State and local sponsors would pay between 10 and 55 percent of the cost of the project.

I believe these cost-sharing measures are essential to a responsible water resources bill. These requirements will result in a savings of Federal tax dollars as well as shift the responsibility for payment to those who more directly benefit from them. More importantly, it will discourage the use of Federal funds for projects with a low cost-benefit ratio, and help to ensure that only the well-planned, worthwhile projects will be funded.

This bill also deauthorizes 310 projects not yet under construction, which have an estimated completion cost of \$11.1 billion. In addition, H.R. 6 provides that projects authorized by this bill will be automatically deauthorized 5 years after enactment of this law if they have not received construction funding by that time.

I would also like to take this opportunity to express my appreciation to the chairman of the Water Resources Subcommittee, the gentleman from New Jersey [Mr. ROE,] and the ranking minority member of the subcommittee, the gentleman from Minnesota [Mr. STANGELAND,] and all of the members in both Public Works and other committees who have helped develop this bill.

Again, Mr. Chairman, I believe H.R. 6 is a responsible water resources bill, and I urge my colleagues to join me in supporting this badly needed legislation.

Mr. DE LA GARZA. Mr. Chairman, H.R. 6 is very important legislation that addresses the need to provide for a coordinated national water resources use policy. The bill, which is quite long, covers a wide range of programs and projects that affect Federal water resources policy.

Included in the bill are provisions over which the Committee on Agriculture has jurisdiction under rule X of the rules of the House. These include—

First title XII of the bill, as reported by the Committee on Public Works, entitled the Water Resources Policy Act of 1985; and

Second, section 1155 of the bill, as reported by the Public Works Committee, which will permit the use, by local agencies, of Farmers Home Administration grant money to provide the local share of water pollution cost-share projects.

The Committee on Agriculture has not sought sequential referral of the bill for consideration of the matters under its jurisdiction, in order to assist in facilitating consideration of the legislation. However, this action by the Committee on Agriculture was done with the understanding that it would not waive the committee's jurisdiction over the pertinent areas covered by the bill.

Further, the provisions of title XII of H.R. 6 are identical to provisions of similar

legislation considered by the House in 1984. At that time, the Committee on Agriculture took advantage of its right to sequential referral and reported those provisions favorably.

With respect to the FmHA cost-share provisions, the Committee on Agriculture's action was based on the understanding that certain provisions in H.R. 2100, the Food Security Act of 1985, address the same problem and that the H.R. 2100 provisions, which are broader, will prevail over the provisions of H.R. 6. This issue was covered in an exchange of letters between Chairman HOWARD of the Public Works Committee and me. Those letters read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, August 1, 1985.

HON. JAMES J. HOWARD,
Chairman, Committee on Public Works and Transportation, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This serves to acknowledge your letter of July 29, 1985, concerning H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985 and the provisions of the bill that come within the jurisdiction of our Committee.

Thank you for your assurance and agreement that the broader language of section 1302 (the Bedell amendment) of H.R. 2100, the Food Security Act of 1985, will prevail over the provisions of section 1155 of H.R. 6 (the Shuster amendment), thus addressing our salient concerns.

With this recognition of the jurisdiction of the Committee on Agriculture over the Farmers Home Administration and your assurance that there is no intention to alter our respective jurisdictions under the Rules of the House of Representatives, we will not request sequential referral of H.R. 6.

Kind personal regards and warm greetings,

Sincerely,
E (KIKI) DE LA GARZA,
Chairman.

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 1985.

HON. E DE LA GARZA,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985, was ordered to be reported by our Committee on Public Works and Transportation on July 18th. We hope to file the report on this bill very soon.

Section 1155 of H.R. 6 provides that Federal assistance made available by the Farmers Home Administration to any political subdivision of a state may be used to provide the non-Federal share of the cost of any sewage treatment works carried out under Section 201 of the Federal Water Pollution Control Act.

Section 1302 of H.R. 2100, the Food Security Act of 1983, as reported by the Committee on Agriculture, provides that assistance made available by the Farmers Home Administration may be used to pay the non-Federal share of any other Federal grant-in-aid program. It is my understanding that the Committee on Agriculture will not seek a sequential referral of H.R. 6 if the provi-

sion in our bill is modified to contain the broader language in H.R. 2100. We will be pleased to make this change.

In taking this action, we fully recognize the jurisdiction of the Committee on Agriculture over the Farmers Home Administration program and do not intend that this provision alter the jurisdictions of our two committees under the Rules of the House of Representatives.

Every best wish.
Sincerely,

JAMES J. HOWARD,
Chairman.

I appreciate being given this opportunity to clarify the jurisdictional matters relating to the Committee on Agriculture.

Mr. RINALDO. Mr. Chairman, I must emphasize the urgent necessity of passing this authorization bill. It has been 9 years since the last flood control authorization bill was enacted. Since that time, the Public Works Committee has spend countless hours holding hearings and drafting legislation to deauthorize obsolete projects and authorize work on new ones.

The projects in my own area that need authorizations are a good example of the kind of work that must be allowed to go forward. Under H.R. 6, approximately \$137 million will be provided for the new Green Brook flood control project affecting communities in my district. This is not a spur-of-the-moment, ill-conceived, pork barrel project, but one that has been planned for several years and has been determined to be cost effective.

In 1973, a flash flood along the Green Brook killed six people and caused several million dollars in property damage. The Army Corps of Engineers by that time had been studying flood control measures for the Green Brook area for 18 years, since 1955. By 1981, the corps finally made its recommendations for improved flood control along the Green Brook. Work on this project cannot go forward, however, until Congress passes this authorization bill. Even after the project is authorized, it will still be many years before work on it can be completed. In the meantime, another serious flood could very well cause more fatalities and further damage to property in the Green Brook area.

In order to avoid the controversy that arose last year, the Public Works Committee has included in this bill new cost-sharing requirements that will make the measure more acceptable in light of the Federal deficit. I commend the committee for their fiscal responsibility and I would urge my colleagues to support the passage of this measure.

Mr. BONKER. Mr. Chairman, I support H.R. 6, the Water Resources Development Act of 1985 because it represents a long overdue commitment to meet our Nation's critical infrastructure needs. It has been nearly 15 years since the Congress sent a comprehensive water resource bill to the President. We cannot ignore for much longer the vital port and harbor projects so essential to our Nation's economic well-being.

While I intend to vote "yes" on the overall measure, I want to register my strong

opposition to inclusion of the so-called waterway-user fees. Over the past 200 years, the Federal Government has assumed the responsibility for developing and maintaining our port system. The imposition of the port-user fee contained in H.R. 6 clearly jeopardizes that partnership and threatens the future of many of our smaller ports. Moreover, I am, of course, particularly concerned that the Pacific Northwest economy, which is heavily dependent on international shipping trade, will eventually force a sharp curtailment of port activities in many of the counties I represent. The operating margin of exporters using these ports is not adequate to take on a new tax. I fear much of the export-import business in Washington State will shift to Canada where the Government plays a more supportive role of their transportation system.

Mr. Chairman, the Nation's 189 public ports are an impressive international trade asset for our country. Some 75 percent of our wheat is produced for export, and nearly all of its goes through our port system. Fully 99 percent of our international trade passes through the ports. In addition, the economic and employment contribution of our Nation's ports to the national economy is tremendous. America's ports contribute \$70 billion annually to our GNP, generating \$10 billion each year in Federal taxes, an additional \$8 billion in customs duties, \$5 billion in State and local taxes, and \$27 billion in personal income.

In my own State of Washington, ports and international trade provide one job out of ever five statewide. Fully 60 percent of our agricultural work force, 50 percent of our aerospace work force, and 60 percent of our forest industry workers are dependent upon international trade and the ports for their jobs.

At a time when our trade deficit is projected to be \$150 billion this year and millions of Americans are unemployed due to this imbalance, it simply makes no sense to impose even higher costs on our exports and jeopardize the economic strength of our Nation's ports. We should be promoting, encouraging exports and trade—not imposing back-door taxes that inhibit our competitive position relative to our trading partners.

Mr. Chairman, 2 years ago I pressed for legislation that would have earmarked federally collected customs duties to pay for 100 percent of all port maintenance work nationwide. Customs revenues stand as the fourth largest source of Treasury revenues at approximately \$8 billion. My proposal would have dedicated 6 percent of these revenues for port operations and maintenance work. I still believe that is the path we should have taken. Instead, we are risking an even greater trade imbalance and a loss of valuable commerce through our Nation's ports. Neither risk strikes me as justified under present economic circumstances.

We should stop viewing the Nation's ports as simply another opportunity to reduce this administration's record deficits. For the ports generate revenue, jobs, trade, and investment. They produce these bene-

fits nationwide—not simply for those who own barges, towboats, or grain elevators. They are, in fact, one of the most important elements of a vigorous international trade system. No one who believes in enhanced trade should forget the role of the ports or ignore the dangers posed by the ad valorem user fee contained in this bill.

In closing, I want to compliment Chairman HOWARD and his subcommittee and Chairman ROBERT ROE for their splendid effort to bring this very difficult bill to the floor. I know they too have concerns about the user fee, but it is obvious that this administration's insistence on user fees and threats of a veto if one is not included in the bill has forced us to deal with the issue in this manner. There are numerous vital projects in this package which simply cannot be delayed any longer.

America is now part of a fiercely competitive global economy. Our projected \$150 billion trade deficit shows we are not holding our own, and a port-user fee will only exacerbate our trade problems. The administration will get the user tax it wants and win its battle in Congress, but our Nation could lose the economic war.

Mr. SLATTERY. Mr. Chairman, I would like to thank my colleagues on the Water Resources Subcommittee and the Public Works Committee for incorporating as part of the Omnibus Water Resources Act a provision to deauthorize the Onaga Lake project in my district.

Onaga Lake was conceived as a flood control, water supply, and recreation facility as a result of the 1944 Missouri River study, and authorized through the Flood Control Act of 1962. As proposed, the lake would be located primarily in Pottawatomie County, KS, covering approximately 16,000 acres of prime farmland.

The corps' Chief of Engineer's cost estimate for the Onaga Lake project at the time of authorization was \$21 million. The corps estimates that \$2.1 million has been spent on study of the Onaga Lake project: The most recent expenditure occurring in 1979 for preconstruction phase engineering and planning. As a result of that study, the corps in 1982, reclassified the Onaga Lake project to the inactive category.

The reclassification by the corps can be attributed to the fact that the State of Kansas had in the early 1980's developed, and has since enacted, a State water plan which gives no consideration to the development of the Onaga Lake project. The corps determined that the project was no longer justified in that the State of Kansas no longer had a demonstrated interest in purchasing the water supply of the proposed lake.

Lakes, levees, and watershed projects in the Kansas River basin provide a high degree of flood control for the area. There is little need and little desire on the part of my constituents residing in the area, to continue the authorization of the Onaga Lake project.

Deauthorization of Onaga Lake will permit the owners of the land in question—who now want to sell their property—to assure prospective buyers that the Federal

Government does not have any intentions of building a water project on this farmland. The deauthorization is essential for property transaction on agricultural land which at one time was slated for inundation.

Just last week, I received a letter from the Pottawatomie County Planning Director, John W. Keller, regarding the status of Onaga's Deauthorization. In his letter, Mr. Keller stated: "The county has now made substantial capital investments in the project area—roads, bridges, and reconstruction—and is now, more than ever, anticipating the final deauthorization of this project."

Thanks to the fine efforts of my colleagues on the committee, I will be able to report to my constituents that we are one step closer to final deauthorization.

Mr. GILMAN. Mr. Chairman, I rise to applaud the passage of H.R. 6, the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985. I would like to commend Mr. HOWARD, chairman of the Committee on Public Works and Transportation along with the committees ranking minority member, Mr. SNYDER. These two individuals along with Mr. ROE and Mr. STANGELAND, the chairman and ranking minority member of the subcommittee, provided the necessary leadership to see this measure through to fruition.

The need for this legislation is evident. The Congress has not authorized any flood control projects since 1976. Additionally, no major omnibus legislation has passed since 1970. It has been 15 years since we have passed authorizing legislation to address the desperate needs of Americans who are subject to the ravages of flooding. We hear the cry for action, but disagreements over issues such as costsharing between the House, Senate, and the administration have continued to roadblock the passage of authorizing legislation. I am much too aware of the need to take a hard look before we allocate Federal moneys in light of the need for fiscal restraint. However, costs for our action or inaction are exacted in different forms. Our inaction results in a cost denominated in lives and homes.

Accordingly, Mr. Chairman, I am pleased we have moved closer to enacting an authorization bill. In my own 22d Congressional District of New York, individuals residing along the Ramapo and Mahwah Rivers have been subject to the repeated flooding of their homes. The Ramapo-Mahwah project which sits along the New York-New Jersey border has been under review as part of the Passaic River basin study. This study examined a number of different projects within the basin including the Nakoma Brook in Sloatsburg, NY. The Nakoma Brook project is authorized for \$4,500,000.

The Army Corps of Engineers has estimated the cost of the Ramapo-Mahwah project in Suffern, NY, at \$4,340,000. I am pleased to see the planning for this project proceeding ahead without final authoriza-

tion. During this fiscal year, \$250,000 has been appropriated for the continuation of planning and engineering. I have been informed that the Army Corps of Engineers anticipates completion of all planning stages of this project by fiscal year 1987, with construction likely to begin in late fiscal year 1987 or early fiscal year 1988. While the project is long overdue, I welcome the fact that construction is now in sight.

While at first glance these projects appear to represent substantial cost, we must look behind the numbers. The damage to property that has resulted from the river in the project area approached half a million dollars in a 1968 storm. In 1977, the damage that resulted from the river swelling exceeded \$3.5 million. Not to act, and not to act quickly, is penny wise and pound foolish.

Accordingly, I would like to thank my colleagues for their support of this measure which is so important to all Americans who live in constant fear of their lives and property. Failure to act as we have in the past would have been to shirk our responsibility to those we represent. I hope we can look forward to the speedy passage of this measure in the other body before the end of the year.

Mr. MINETA. Mr. Chairman, I rise in strong support of H.R. 6, the Water Resources Development Act. As a member of the Water Resources Subcommittee of the Public Works and Transportation Committee, I have seen first hand the enormous effort and work that has gone into this bill.

Our chairmen, Mr. ROE and Mr. HOWARD, have done an excellent job of bringing together the many views and interests that must be reconciled to enact legislation as complex as this bill.

I know from my own experience in trying to find a solution to flooding along the Guadalupe River and Coyote Creek in my district, the committee leadership has been uniformly helpful and thoughtful.

I also want to thank the committee staff who have also worked on this bill for months as detail after detail was hammered into shape.

This is a good bill. This is a bill which resolves many issues such as cost sharing, which have plagued us for far too long. This bill strips from the law inactive projects, and sets a new up-to-date working agenda for the flood control and water resources development program in this Nation.

I urge my colleagues to support this legislation, which I hope will soon find itself not just the work product of this House, but truly the law of the land.

Mr. MATSUI. Mr. Chairman, I rise in support of the bill H.R. 6. I am particularly proud of the Ways and Means Committee action to impose an excise tax in the Internal Revenue Code on the value of commercial cargo loaded onto or unloaded from a vessel at a port in coastal and Great Lakes ports. The concept of an ad valorem tax, such as the one incorporated into H.R. 6, is adopted from legislation which I introduced in 1983.

H.R. 6 imposes the ad valorem tax at 4 cents per \$100 which will be paid by importers and exporters and not vessel owners. The revenues will be collected by the U.S. Customs Service and is targeted to pay the operations and maintenance costs incurred by our ports. It is not intended to be a revenue raising tax.

I urge my colleagues to join me in voting for H.R. 6. This legislation is necessary if we are to maintain the health of our Nation's ports.

Mr. BIAGGI. Mr. Chairman, I want to express my support for H.R. 6, the Water Resources Development Act. This legislation authorizes a number of vital water development, shoreline protection, flood protection, and navigation projects that deserve our support.

The project for beach erosion control, Orchard Beach, NY, which is in my district, is a good example of the important work authorized by this legislation. Specifically, this bill authorizes \$2,480,000, or 70 percent of the estimated total cost, for beach fill and periodic nourishment at Orchard Beach.

Orchard Beach, like the other projects authorized by this bill, is not included without good reason. Significantly, Orchard Beach was last nourished in 1964, more than 20 years ago. During that time, the beach has been receding and is greatly reduced in size. Not only has this caused serious overcrowding, but certain steep offshore slopes have been created posing a threat to those who use the beach. It should be noted that Orchard Beach is the major beach serving the densely populated area of northern New York City, with a population of more than 2 million people. On a busy day at the beach, attendance has soared to over 150,000 people. The nearest alternative public beaches are located at Coney Island, 31.5 miles to the south and Rye Playland, 18 miles to the northeast.

Further, it should be emphasized that this authorization for construction of the Orchard Beach erosion control project is the result of a nearly 2-year detailed project study that was initiated in October 1983 by the U.S. Army Corps of Engineers. Only after careful deliberation did the corps reject other alternative plans and recommend the plan for beach erosion control that is authorized in this bill. The corps has concluded that the recommended plan is "economically justifiable * * * environmentally acceptable * * * and is the locally preferred plan."

Mr. Chairman, I want to take this opportunity to commend the distinguished chairman of the Water Resources Subcommittee, Mr. ROE, for the skill and countless hours of careful research that he has contributed to this vital piece of legislation. His high level of commitment to protecting and enhancing our Nation's valuable water resources is clearly reflected in the bill before us today. I urge my colleagues to join me in supporting this measure.

Mr. DIUGUARDI. I would like to commend the Public Works and Transportation Committee for the excellent work they have done on this bill. In particular, I would like

to commend the work of the committee chairman, Mr. HOWARD and the ranking minority member, Mr. SNYDER, each of whom has displayed tremendous attention and care to all of the provisions in this legislation. I believe that their efforts have produced a bill that should be fully supported by all Members of this body.

I would especially like to praise their work with regard to an area of tremendous economic importance to the citizens of New York, the Eastchester Creek.

A great amount of materials that are vital for the survival of the construction industry in New York are transported through the creek. Over the years, deterioration of the Y-shaped portion of the creek has led to more costly and dangerous transportation of these materials. The channel has become unsafe and unnavigable for tugs, scows and their crews. Unless the channel is dredged, it will become virtually impossible for any shipper to navigate the creek. Shippers have already expressed their intentions to discontinue service unless something is done to rectify the current situation.

Since the channel is the only available means of transporting goods to the businesses which need them, its deterioration would mean the shutdown of these companies. In addition, shippers would lose valuable customers and revenue. In all, as many as 500 jobs would be directly affected.

The estimated \$500,000 cost of this project pales in comparison to the economic dishevel that would result if this project were not undertaken. Mr. HOWARD and Mr. SNYDER were fully cognizant of this fact and took the necessary steps to resolve the current problems. On behalf of the people in my district, I would like to extend our thanks to them and let them know that we will not forget their efforts on our behalf.

Mr. BORSKI. Mr. Chairman, H.R. 6 is an historic piece of legislation. It breaks the impasse which has delayed desperately needed water projects and is the product of years of negotiation and compromise.

However, I want to voice my concerns that the 0.04 percent ad valorem tax in H.R. 6 could be interpreted as opening the door to escalating user fees. As a longstanding opponent of user fees, I would not have been willing to break with our 200-year policy of providing full Federal funding for channel dredging if I did not believe that this fee was essential to win passage of this very important legislation. But, I intend to actively oppose any attempts to raise the level of this fee in the future.

User fees are a serious threat to our ports, especially those with the greatest dredging requirements. My own Port of Philadelphia is uniquely disadvantaged; its operation and maintenance costs represent almost 10 percent of the national dredging budget. And even this 0.04 percent ad valorem fee will adversely affect the multitude of interests dependent upon waterborne commerce: shippers, carriers, consumers and the more than 124,000 Delaware Valley

citizens whose livelihoods depend on Delaware River ports.

Although it appears that the 0.04 percent ad valorem tax is a national fee, in fact, the ports in the Northeast would be particularly hard hit. For example, the Port of Philadelphia moves 58 million tons of international cargo each year; over 44 million tons is imported crude petroleum destined for Delaware Valley refineries. These refineries are 100 percent served by foreign crude and would be 100 percent subject to the proposed ad valorem fee. Our refineries are already suffering from a surplus market and can ill afford this additional burden.

I believe that our efforts to eliminate budget deficits must be combined with sound water policy, and concern for the increasing number of American jobs which are dependent upon foreign trade. We are experiencing record trade deficits and we can ill afford to increase the already serious disadvantages for American business in foreign commerce.

Finally, I want to point out that H.R. 6 makes it clear that the 0.04 ad valorem tax will be assessed on domestic cargoes only once. Domestic cargoes, especially petroleum products, frequently move through several ports before reaching their final waterborne destination. And consequently they are more sensitive to the impact of user fees than those which move in international commerce.

Moreover, domestic waterborne transportation directly competes with land-based transportation modes and any additional costs imposed on waterborne movements have a direct impact on this competitive modal relationship. The imposition of multiple fees on domestic cargoes would only serve to further diminish the competitive posture of our domestic merchant marine.

Mr. ROTH. Mr. Chairman, I am pleased that the Committee on Public Works and Transportation has incorporated my legislation to deepen Green Bay Harbor, H.R. 430, into the omnibus water resource legislation that is now before the House. There has not been a water resources development act since 1976. It is vital that this Chamber act promptly to preserve and develop our waterway infrastructure.

In planning for increased import-export traffic, Green Bay port officials and users recommend that the Fox River channel be deepened by 3 feet. With a current harbor depth of only 24 feet, Green Bay has been impeded in maximizing traffic with the 27 feet deep St. Lawrence Seaway. Foreign trade has become increasingly important to the Nation's economic health and Green Bay is no exception. The Seaway is our lifeline.

Both domestic and international tonnage are on the rise for the harbor. Waterborne commerce through Port of Green Bay resulted in an economic impact on the Brown County area totaling over \$30 million. But this is just the tip of the iceberg if we can allow deeper draft ships to dock.

This is a long-term project. It is essential that planning begin now for the future needs of Green Bay's port. I applaud the committee's wisdom in recognizing the

need for such long-term planning. I urge my colleagues to support H.R. 6.

Mr. HORTON. Mr. Chairman, I rise in strong support of this legislation and wish to commend my colleagues Congressmen HOWARD, SNYDER, STANGELAND, and ROE for their efforts in developing this bill and bringing it to the floor.

Of particular concern to me and my constituents are the provisions regarding the Federal-local cost-sharing formula for new-start water projects. I believe that the cost-sharing formula developed by the committee represents a conscientious effort to resolve a longstanding controversy.

There are those who may oppose this formula believing that too little of the cost is borne by the beneficiaries. Conversely, I have spoken with Members who believe that not enough of the cost is being borne by the Federal Government. I have tremendous respect for my colleagues on both sides of this issue, but I would remind them that this longstanding debate has delayed the implementation of many critical projects. These projects were delayed, not because they lacked merit or support, but because we in Congress have been unable to agree on a new formula. In our struggle to define a fair and fiscally responsible way of sharing these costs, many worthwhile projects, and the communities which depend upon them, have been the losers.

To illustrate my point, I offer an example from my own congressional district—the Port Ontario Harbor of Refuge in Oswego County, NY.

In 1945, the Port Ontario project and several other Harbor of Refuge projects on Lake Ontario were authorized to provide safe haven to boaters caught in Lake Ontario storms. My colleagues representing Great Lakes States know firsthand the severity of these storms and the importance of adequate refuge.

It took the Corps of Engineers and the local community until 1978 to complete the final designs for Port Ontario. Upon completion of these designs, a local cooperation agreement was drafted, signed by the State of New York, and returned to the COE for final execution. That final endorsement was never received pending congressional approval of a new cost-sharing formula.

Make no mistake. This project has the full support of the State of New York and the residents of Oswego County. The Office of Parks, Recreation, and Historic Preservation, describing Port Ontario as its No. 1 priority project, went ahead and developed its share of the harbor project. To date, New York has invested over \$11 million in fish hatcheries and new boating facilities. I might point out that the Federal portion of this project is only \$5 million.

The tremendous need for this project was seen and understood by my good friends Congressmen BEVILL and MYERS and they worked to include funding in the fiscal year 1985 supplemental appropriations bill. Despite the availability of funding and an authorization going back to 1948, the absence of a new cost-sharing continues to delay this project.

The Corps of Engineers has introduced their discretionary authority in such a way as to allow them to renegotiate cost sharing even in cases where a formula is legislatively stated. Passage of this bill will restore congressional authority over the cost-sharing controversy and reaffirm the Federal commitment to the development of critical projects such as Port Ontario.

In addition, I would like to take special note of the assistance my good friend and ranking member of the committee, Congressman GENE SNYDER, has given me. Recently, a controversy developed over whether the Corps of Engineers would honor their historic commitment to maintain Port Ontario once it is completed. Language has been included in the committee amendments package which would reaffirm the responsibility of the corps to maintain Port Ontario.

Passage of this bill, and resolution of the cost-sharing controversy, will clear the way for construction of this and other desperately needed projects. I commend the authors of this bill for their efforts and urge my colleagues to support this legislation.

Mr. GAYDOS. Mr. Chairman, in H.R. 6, the Water Resources Development Act, the Committee on Transportation and Public Works has recognized the importance of river transportation to the lifeblood of America.

While the act contains many vital and worthwhile projects, none are more important to southwestern Pennsylvania than the replacement of locks and dams 7 and 8 on the Monongahela River.

The committee report on H.R. 6 notes that present and future navigation tonnage moving through the Monongahela River system make the replacement project a necessary link. The report notes that locks and dams 7 and 8 were built in 1925 for the commerce flow at that time.

Since then, commerce has increased more than 12 times and is expected to increase another 4 times in the next 50 years, making it even more imperative to replace the locks and dams now before even more serious traffic delays result in serious interference with navigation.

The replacement structures will be compatible with the new barges used and proposed for use and will lead to a fuller realization of benefits from a modernized waterway.

The cost effectiveness of this project cannot be overstated. In addition to better use of the river system and the use of newer and larger barges that can carry more material at lower per unit costs, the project will result in savings for the communities along the river which have already been hard hit by plant closings and high unemployment.

Thousands of jobs are directly and indirectly dependent on the flow of traffic along the Monongahela River System. If this project had not been included, we in southwestern Pennsylvania were faced with additional job losses that could have totaled more than 15,000 in the next 15 years.

Including this project, as well as some of the others that will have a positive impact on the navigability of the entire Ohio valley river system, including the Monongahela, will create new jobs and save thousands of others.

That reason alone is enough for every Member of the House to support this bill.

The CHAIRMAN. Under the rule, no amendments to title XV are in order.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Brown of California] having assumed the chair, Mr. BOUCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, pursuant to House Resolution 305, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOWARD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 358, nays 60, not voting 16, as follows:

(Roll No. 406)

YEAS—358

| | | |
|-----------|---------|-----------|
| Ackerman | Aspin | Beilenson |
| Akaka | Atkins | Bentley |
| Anderson | AuCoin | Bereuter |
| Andrews | Badham | Berman |
| Annunzio | Barnard | Bevill |
| Anthony | Barnes | Biaggi |
| Applegate | Bateman | Billakis |

| | | |
|--------------|---------------|---------------|
| Bliley | Gedjenson | McHugh |
| Boehlert | Gekas | McKernan |
| Boggs | Gephardt | Meyers |
| Boland | Gibbons | Mica |
| Boner (TN) | Gilman | Mikulski |
| Bonior (MI) | Gingrich | Miller (CA) |
| Bonker | Glickman | Miller (OH) |
| Borski | Gonzalez | Mineta |
| Bosco | Gordon | Mitchell |
| Boucher | Gray (IL) | Moakley |
| Boulter | Gray (PA) | Molinari |
| Boxer | Green | Mollohan |
| Breaux | Guarini | Monson |
| Brooks | Gunderson | Montgomery |
| Broomfield | Hall (OH) | Moody |
| Brown (CA) | Hall, Ralph | Moore |
| Bryant | Hamilton | Moorhead |
| Burton (CA) | Hammerschmidt | Morrison (CT) |
| Bustamante | Hansen | Morrison (WA) |
| Byron | Hartnett | Murphy |
| Callahan | Hatcher | Murtha |
| Campbell | Hayes | Myers |
| Carney | Hefner | Natcher |
| Carper | Heftel | Neal |
| Chandler | Hendon | Nichols |
| Chapman | Henry | Nielson |
| Chappell | Hills | Nowak |
| Chapple | Holt | Oakar |
| Cheney | Horton | Oberstar |
| Clay | Howard | Olin |
| Clinger | Hoyer | Ortiz |
| Coble | Huckaby | Owens |
| Coelho | Hughes | Oxley |
| Coleman (MO) | Hutto | Packard |
| Coleman (TX) | Hyde | Panetta |
| Collins | Ireland | Parris |
| Combest | Jenkins | Pashayan |
| Conte | Johnson | Pease |
| Conyers | Jones (NC) | Penny |
| Cooper | Jones (OK) | Pepper |
| Courter | Jones (TN) | Perkins |
| Coyne | Kanjorski | Petri |
| Craig | Kaptur | Pickle |
| Crockett | Kasich | Porter |
| Daniel | Kastenmeier | Quillen |
| Dannemeyer | Kemp | Rahall |
| Darden | Kennelly | Ray |
| Daschle | Kildee | Regula |
| Daub | Kindness | Reid |
| Davis | Kleczka | Richardson |
| DeLay | Kolter | Ridge |
| Dellums | Kostmayer | Rinaldo |
| Derrick | LaFalce | Roberts |
| DeWine | Lagomarsino | Robinson |
| Dickinson | Lantos | Rodino |
| Dicks | Leath (TX) | Roe |
| Dingell | Lehman (CA) | Roemer |
| DioGuardi | Lehman (FL) | Rogers |
| Dixon | Leland | Rose |
| Donnelly | Lent | Rostenkowski |
| Dorgan (ND) | Levin (MI) | Roukema |
| Dorman (CA) | Levine (CA) | Rowland (CT) |
| Dowdy | Lewis (CA) | Rowland (GA) |
| Downey | Lewis (FL) | Roybal |
| Duncan | Lightfoot | Rudd |
| Durbin | Lipinski | Russo |
| Dwyer | Livingston | Sabo |
| Dymally | Lloyd | Savage |
| Dyson | Loeffler | Saxton |
| Early | Long | Schaefer |
| Eckart (OH) | Lott | Scheuer |
| Edwards (CA) | Lowery (CA) | Schuetz |
| Edwards (OK) | Lowry (WA) | Schulze |
| Emerson | Lujan | Schumer |
| English | Lukens | Shaw |
| Erdreich | Lundine | Shelby |
| Evans (IL) | Lungren | Shuster |
| Fascell | MacKay | Siljander |
| Fazio | Madigan | Sisk |
| Feighan | Manton | Skeel |
| Fiedler | Markey | Skelton |
| Fields | Marlenee | Slattery |
| Fish | Martin (IL) | Slaughter |
| Flippo | Martin (NY) | Smith (FL) |
| Florio | Martinez | Smith (IA) |
| Foglietta | Matsui | Smith (NE) |
| Foley | Mavroules | Smith (NJ) |
| Ford (MI) | Mazzoli | Smith, Denny |
| Ford (TN) | McCain | (OR) |
| Frank | McCandless | Smith, Robert |
| Franklin | McCloskey | (OR) |
| Frost | McCollum | Snowe |
| Fuqua | McCurdy | Snyder |
| Gallo | McDade | Solarz |
| Garcia | McEwen | Spence |
| | McGrath | Spratt |

St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Synar
Tallon
Tauzin

Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Viscosky
Volkmer
Vucanovich
Watkins
Waxman
Weiss

Wheat
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)

NAYS—60

Archer
Army
Bartlett
Barton
Bates
Bedell
Bennett
Brown (CO)
Broyhill
Burton (IN)
Carr
Coats
Cobey
Coughlin
Crane
Dreier
Eckert (NY)
Evans (IA)
Fawell
Goodling
Gradison

Gregg
Grotberg
Hertel
Hiler
Hopkins
Hubbard
Hunter
Jacobs
Jeffords
Kolbe
Kramer
Latta
Leach (IA)
Mack
McMillan
Michel
Miller (WA)
Mrazek
Obey
Pursell
Ritter

Schneider
Schroeder
Seiberling
Sensenbrenner
Sharp
Shumway
Sikorski
Smith, Robert
(NH)
Solomon
Swindall
Tauke
Vento
Walker
Weaver
Weber
Wolpe
Yates
Zschau

NOT VOTING—16

Addabbo
Alexander
de la Garza
Edgar
Fowler
Frenzel

Gaydos
Hawkins
McKinney
Nelson
O'Brien
Price

Rangel
Roth
Walgren
Whitehurst

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. McKinney for, with Mr. Frenzel against.

Messrs. WOLPE, ZSCHAU, HUNTER, and DREIER of California changed their votes from "yea" to "nay."

Messrs. CHENEY, DENNY SMITH, and ZSCHAU changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 6, WATER RESOURCES CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1985

Mr. ROE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 6, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in

amending the bill (H.R. 6) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE GENEVA SUMMIT AND GLOBAL MILITARY SPENDING

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter).

Mr. ALEXANDER. Mr. Speaker, Congress is united behind the President as he prepares for his meeting next week with the Soviets. Not only is the level of danger heightened by military buildup, but the whole world realizes that both the United States and U.S.S.R. are having a close encounter with bankruptcy because of military spending.

A report released yesterday by World Priorities shows just how much the military buildup is costing the United States and U.S.S.R. According to the report, both nations accounted for much of the \$60 billion increase in world military spending this year. Total arms spending is expected to reach a record \$800 billion in 1985.

How long can this spiral continue before we and the Soviets have a close encounter with national bankruptcy? Not very long, I submit. Much of the \$1 trillion increase in the U.S. national debt is a direct result of the defense budget.

Let us hope that next week's summit is a success for all the world.

MILITARY SKYROCKET—GLOBAL SPENDING TOPS \$800 BILLION

WASHINGTON.—World military spending increased \$60 billion this year, continuing a post-World War II weapons buildup that is hurting efforts to improve health, welfare and education, a report by arms control advocates says.

The study blames the Soviet Union and the United States for the high figure, which will come to \$800 billion in 1985, compared to \$740 billion last year. The superpower share was about half the total.

The findings were published yesterday in the 10th annual report by World Priorities, a research group sponsored by the Rockefeller Foundation, Arms Control Association and other organizations. The statistics, gleaned from official U.S. and international reports, were presented to demonstrate the disparity between spending on weaponry and outlays for social programs.

The report says, for example:

Among the United States and its European allies, annual per capita military research spending amounts to about \$45, compared with \$11 for health research.

The world spends about \$450 to educate each child and \$25,600 to support each soldier.

The Soviet Union's \$176 billion in military spending for 1983 was more than the governments of all the developing countries spent for education and health care for their 3.6 billion people.

The budget of the U.S. Air Force is larger than the total educational budget for 1.2 billion children in Africa, Latin America and Asia including Japan.

The Soviet Union maintains more than 778,000 troops in 22 foreign countries; the United States has 479,000 troops at bases in 40 foreign countries.

The U.S. put global military spending at \$940 billion in 1985.

AMERICAN HOSTAGES IN BEIRUT

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEBER. Mr. Speaker, I yield to our colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. I thank my good friend, the gentleman from Minnesota.

Mr. Speaker, because of the seriousness of this message from our four American hostages in Beirut, I wanted to finish my thoughts and to include in its entirety in the RECORD the message from the hostages.

To continue where I left off, the President cannot deal with terrorists who have killed Americans. But Senator Bobby Kennedy, who was then Attorney General, showed us that there is a possible solution to our dilemma. He arranged, through Cardinal Cushing of Boston, to deal with Fidel Castro, by trading medicine and tractors for the release of those who fought in our name and in our uniforms at the Bay of Pigs. Perhaps we can arrange, through private donations, a fund for the innocent victims in Beirut to trade for our four courageous Americans.

There must be some key, Mr. Speaker, and I earnestly implore you, and all the Members of this body—since this letter to George O'Brien and me speaks to all of us—to help me. We must all be involved in working toward a solution to help our fellow Americans who are in deep trouble and in fear of their lives. It appears that one of them may have already been killed. We simply don't know. Another American may have died of a heart attack when he was kidnaped, we don't know for sure. I ask for all the advice I can get from every Member of the House.

I told our State Department there was only one thing I would not do and that is nothing. We must do something.

The text of the letter from the hostages in Beirut is as follows;

NOVEMBER 8, 1985.

AN OPEN LETTER TO U.S. REPRESENTATIVES O'BRIEN AND DORNAN

GENTLEMEN: We have read of your efforts on our behalf and are grateful. We hope you are still speaking daily for us in the House. But we would ask more of you, our captors say they are adamant on their demands, that there is no alternative.

They say they are not subject to pressure from Syria, Iran, or Lebanese leaders, since no one knows who they are or where we are. President Reagan's efforts on our behalf have accomplished nothing—they have not won release of a single hostage from this group in nearly two years.

Those people have made a gesture in voluntarily releasing Pastor Ben Weir they say shows they want a peaceful and rapid solution. But they say the U.S. government has failed completely to indicate any willingness to negotiate. We understand President Reagan's reluctance to give in. Does he, and do you, understand what that means for us? We are told William Buckley is dead, after 19 years in captivity.

Father Jenco has been a hostage 10 months, Terry Anderson eight months, David Jacobsen six months and Tom Sutherland five months. We seem no closer to release than the day we were taken, and our physical and mental condition is slowly deteriorating. Our release can be very rapid, our captors say.

They ask you, your fellow congressmen and members of the U.S. Senate to try to persuade President Reagan to take the only course available to win our release, and to take it quickly. May the Lord bless you."

FATHER LAWRENCE MARTIN
JENCO, OSM.
TERRY ANDERSON.
DAVID JACOBSEN.
THOMAS M. SUTHERLAND.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. HARTNETT] is recognized for 5 minutes.

Mr. HARTNETT. Mr. Speaker, yesterday I was unavoidably absent from the proceedings of the House due to a death in my family. Had I been present, I would have voted "yea" on House Resolution 314, expressing the sense of the House with regard to the defection of Miroslav Medvid, rollcall No. 399; "no" on the vote to override the veto of H.R. 2409, NIH authorizations, rollcall No. 400; "no" on House Joint Resolution 441, continuing appropriations for fiscal 1986, rollcall No. 401; and "no" on the rule to provide for consideration of H.R. 1616, the plant closing bill, rollcall No. 402.

AS LAWS ARE FLOUTED, CONGRESS SEETHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Brooks] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I would like to insert into the RECORD an excellent article "As Laws Are Flouted, Congress Seethes," which appears in today's New York Times. The author, Martin Tolchin,

has done a fine job in showing the anger and frustration legislators, both Democrat and Republican, feel about this administration's tremendous disrespect for the law. It is a fundamental of the American political and judicial system that law represents the highest expression of democratic self-government. Once enacted, and until it is repealed, a law governs and controls both citizens and political leaders alike. This administration, however, has displayed an overbearing arrogance about law. Rather than attempting to overturn those laws it thinks unwise through the political process, this administration has instead chosen to simply ignore or circumvent them.

In the process, it not only destroys those particular laws it chooses to disregard, but more importantly, it undermines the entire concept of the rule of law which has so fortunately distinguished our Nation from most around the world.

I commend this article to my colleagues.

[From the New York Times, Nov. 13, 1985]

AS LAWS ARE FLOUTED, CONGRESS SEETHES

(By Martin Tolchin)

WASHINGTON, Nov. 12—Down through history, Presidents have occasionally flouted laws passed by Congress or decrees issued by courts. They have tended to be highly selective on such matters, however, usually reserving head-on action for issues of great moment, typically those involving national security.

Abraham Lincoln, for example, suspended the writ of habeas corpus and ordered the kidnapping of legislators and news reporters in the Civil War, and Andrew Jackson told Chief Justice John Marshall to enforce his own decision in a case involving the Government's relocation of the Cherokee nation. Harry S. Truman, John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon flouted the Constitution by sending troops into combat without benefit of a Congressional declaration of war.

Congressional critics say some Reagan Administration officials have ignored the laws and courts on issues great and small, from those involving war and peace to those dealing with regulation of infant formulas.

A number of legislators, Democrat and Republican alike, say former Presidents tended to give Congress the benefit of the doubt on legislation whose constitutionality they have questioned and enforced the law pending a judicial determination. But the legislators contend that Reagan Administration officials frequently have refused to enforce such laws until, and sometimes long after, the courts have ordered them to do so.

RISE TENSION ON CAPITOL HILL

It is a measure of the rising tension on Capitol Hill over such actions that Democrats and Republicans on two House committees recently assailed Administration officials and the White House budget office for what they considered unlawful actions.

Further, the Senate Judiciary Committee refused to promote William Bradford Reynolds at the Justice Department, with some committee members saying that as Chief of the department's civil rights division he had failed to enforce the civil rights laws. Even as conservative a Senator as Jesse Helms of North Carolina has accused the Administration of flouting the law, in this case an amendment barring United States funds to

any organization that supports coercive abortions or sterilizations.

Senators also closely questioned James C. Miller 3d, the new director of the Office of Management and Budget, on what they considered the agency's unauthorized role as regulatory overseer.

Michael Johnson, an aide to Representative Robert H. Michel of Illinois, the House Republican leader, said there was widespread, bipartisan resentment toward what is considered the Administration's high-handed attitude toward Congress. "Bob's big complaint is that the Administration doesn't understand the sensitivities of the legislative branch," he said.

Dale Tate, an aide to Senator Robert Dole of Kansas, the Senate Republican leader, said Mr. Dole had stressed the need for the Administration to "listen a little better to what is being said and done" in Congress.

Representative Jim Wright, the Texas Democrat who is the House majority leader, said the other day: "Ronald Reagan has fashioned a regal Presidency, like the divine right of kings. He considers himself beyond and unanswerable to the laws passed by the legislative branch."

Administration officials acknowledge that they are frequently perceived as flouting Congress and the courts. But they say they are preserving the executive branch from unwarranted encroachments by the other branches of government. As legal justification for action or inaction, they cite constitutional prerogatives, the need for swift executive branch movement on various matters and ambiguity in laws the President must enforce, with some of the ambiguity, they say, deliberately written into legislation by a tentative Congress.

'WE SEEK TO RESOLVE CONFLICTS'

"There are times when the Administration has been accused of ignoring the law," Fred F. Fielding, counsel to the President, acknowledged. "But remember that the President is sworn to uphold both the Constitution and the laws. We seek to resolve the conflicts. Strong Presidents especially are mindful of their responsibility to those who come after them, and seek to assure that they do not erode any executive prerogative."

Congressional critics contend, specifically, that Administration officials have failed to enforce laws intended to protect civil rights, the environment and public health and safety. They say the Administration has defied the reporting requirements of the War Powers Resolution, ignored a Congressional ban on aid to the Nicaraguan rebels, ignored Federal court decisions on Social Security disability benefits, designated the Office of Management and Budget as regulatory overseer without benefit of Congressional authority and declined to fully enforce a law on contract review.

Underscoring the bipartisan nature of some of the criticism, Senate Democrats and Republicans joined in the criticism of both Mr. Reynolds and Mr. Miller. Senator Arlen Specter, a Pennsylvania Republican, said, for example, that the Administration's civil rights policies were "directly at variance with established law" because Mr. Reynolds had attacked affirmative action programs that give preference to women, blacks and other minority groups.

Senator Charles McC. Mathias Jr., a Republican from Maryland, added, "It is now clear that Mr. Reynolds does not support the approach that Congress, for the past 20 years, has taken to the problem of assuring civil rights."

Similarly, Republicans and Democrats on the House Government Operations committee contended in a report last summer that the Administration's selective enforcement of the new contract review law was unconstitutional. "It is regrettable that our nation's chief executive and law officers have to be so forcefully reminded of their constitutional obligations," Representative Jack Brooks, the Texas Democrat who is chairman of the panel, said after a Federal district judge directed the Administration to enforce the entire law.

Just last month a House Energy and Commerce subcommittee said the Office of Management and Budget had been engaged in "an unlawful abuse of power" in obstructing proposed rules for the Environmental Protection Agency that would ban some asbestos products.

The issue of Presidential disregard of Congress and the courts is almost as old as the Republic. "On great occasions," Thomas Jefferson wrote at one point, "every good officer must be ready to risk himself in going beyond the strict line of the law, when the public preservation requires it; his motives will be his justification." Jefferson thus explained purchasing munitions with unappropriated funds after the British had attacked the United States frigate *Chesapeake*.

But Congressional critics of the Reagan Administration say it has ignored the law routinely, not merely on "great occasions."

"They're certainly not faithfully executing the laws, in my view," said Alan Morrison, a liberal, public interest lawyer who successfully argued the case in which the Supreme Court held the legislative veto unconstitutional. "They're law-stretchers, not law violators," he continued. "They're clever enough to cover their violations with something that purports to be reason under the statute."

Michael Horowitz, counsel to the director of budget office, counters that when the Administration publicly challenges legislation or court decisions, "there are major constitutional issues involved." He said noncompliance was intended to lay the groundwork for court tests.

Other Administration officials say laws are often intentionally ambiguous, giving a President wide latitude in interpretation. They say, for example, that the definition of "hostilities" that brings into action the War Powers Resolution is intentionally murky, as are Congressional mandates to agencies such as the Occupational Safety and Health Administration, which is charged, simply, with assuring a safe workplace for every American. Enforcement is thus a matter of judgment, they say.

SEMANTIC DISTINCTIONS

In this same vein, officials sometimes rely upon semantic distinctions to justify circumventing Congress. Just as Truman referred to the Korean War as a "police action" that did not require a Congressional declaration of war, so the Reagan Administration initially said that its assistance to the Nicaraguan rebels was part of a strategy of "interdicting" supply lines to Salvadoran rebels, and thus did not violate a ban on arms aid to the rebels.

Critics say the tone of disregard of laws and courts was set in the opening days of the Reagan Presidency, when Administration officials delayed implementation of all pending regulations. The regulations, authorized by Congress, were finally issued,

sometime years later, in what critics considered a diluted state.

"They absolutely refused to enforce the law," said Senator Albert Gore, the Tennessee Democrat who as a House member had sponsored the Infant Formula Act of 1980. The legislation, intended to require certain levels of nutrients in infants formula, was in response to reports that a lack of such nutrients had caused brain damage in thousands of babies. The Administration delayed the issuance of the regulations for 18 months.

Critics say such flouting continues to this day, saying, for example, that the Administration has delayed for three years responding to a Congressional mandate on guidelines for the handling of radioactive materials.

RESOLUTION RELATING TO THE CAPITOL POLICE FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am introducing a resolution today which would create an agency training representative position on the Capitol Police Force. The officer filling this position would represent the Capitol Police Force at the Federal Law Enforcement Training Center and would serve at the rank of lieutenant. The Committee on House Administration approved this action on October 23, and this resolution would allow the Capitol Police Force to implement the action of the committee.

At present, the Capitol Police utilizes the Federal Law Enforcement Training Center [FLETC] for the training of new recruits. Other Federal law enforcement agencies also utilize this facility for training. Each participating agency assigns a representative to represent the agency in administrative and policy matters. The Capitol Police representative must command 3 sergeants, up to 72 trainees, advise the Chief on policy decisions, and evaluate recommendations on staffing, budgetary, and physical facility requirements at FLETC.

The Capitol Police Board reviewed the duties and responsibilities of the representative at FLETC and concluded that the rank of lieutenant more appropriately reflects the duties of this position. This resolution follows the recommendation of the Capitol Police Board. I trust that the House will give its approval to this resolution.

Following is the text of the resolution:

H. RES. 320

A bill providing for one additional position on the Capitol Police for duty under the House of Representatives

Resolved, That there is established one additional position of agency training representative on the Capitol Police (at a rate of compensation equal to the rate in effect for the position of lieutenant) for duty under the House of Representatives. Each appointment to the position of agency training representative shall be made—

(1) by the Capitol Police Board from among members and officers of the Capitol

Police, with prior approval of the Committee on House Administration; and

(2) without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 2. The former position of an officer or member serving as agency training representative shall not be filled while that officer or member is so serving. Unless otherwise provided by law, upon ceasing to serve as agency training representative, an officer or member shall revert to that former position.

SEC. 3. Until otherwise provided by law, there shall be paid out of the contingent fund of the House such sums as may be necessary to carry out this resolution.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. BONKER] is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, on Tuesday, November 12, 1985, I was necessarily absent from the House and missed several recorded votes. On that particular day, I attended the Pacific Basin Information Industry Conference and Trade Fair in Seattle, WA. As one of the chief sponsors of the conference, I felt obligated to be there for all the activities of the day. The conference drew delegations from seven Pacific Rim nations and was the largest telecommunications trade mission ever to visit the Pacific Northwest.

On rollcall No. 399, the vote on House Resolution 314 expressing the sense of the House that Miroslav Medvid should not be removed from the United States, I would have voted "aye" in favor of the resolution.

Additionally, I would have voted "aye" in favor of the following: Rollcall No. 400, the vote to override the Presidential veto of H.R. 2409, the Health Research Extension Act; rollcall No. 401, House Joint Resolution 441, to further continuing appropriations to December 12; and rollcall No. 402, House Resolution 313, the rule for the consideration of H.R. 1616, the Plant Closing and Notification Act.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On October 30, 1985:

H.J. Res. 308. Joint resolution designating the week beginning on October 20, 1985, as "Benign Essential Blepharospasm Awareness Week"; and

H.J. Res. 322. Joint resolution to provide for the designation of October 1985, as "National Sudden Infant Death Syndrome Awareness Month."

On October 31, 1985:

H.R. 3605. An act to provide that the authority to establish and administer flexible and compressed work schedules for Federal Government employees be extended through December 31, 1985.

On November 1, 1985:

H.R. 2959. An act making appropriations for energy and water development for the fiscal year ending September 30, 1986, and for other purposes.

On November 7, 1985:

H.J. Res. 126. Joint resolution to designate the week of November 3, 1985, through November 9, 1985, as "National Drug Abuse Education Week."

On November 11, 1985:

H.R. 1903. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of Lake Superior in Dockets Numbered 18-S, 18-U, 18-C, and 18-T before the Indian Claims Commission, and for other purposes.

On November 12, 1985:

H.J. Res. 282. Joint resolution designating the week beginning October 27, 1985, as "National Alopecia Areata Awareness Week."

ALLEVIATING PROBLEMS WITHIN THE PENTAGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, I have asked for time this evening to discuss the problems within the Pentagon and our attempt here in Congress to alleviate those problems which have existed in one form or another for quite some time.

Many, of course, date back to the Spanish-American era, but particularly, Mr. Speaker, I refer to the fact that President Harry Truman made a speech in 1946 pointing out the structural problems and the management problems within the Defense Department, within the Pentagon, and recommendations on how to change it.

As the result of that initiation, there was a bill passed in 1947 which was the Reorganization Act of the Department of Defense, and that act at that time created a Secretary of Defense, three service secretaries (a Secretary of the Army, a Secretary of the Navy, and a Secretary of the Air Force) and also created a Joint Chiefs of Staff presided over by a chairman, with each of the service chiefs, at that time the Air Force, the Army, and the Navy, serving as part of the Joint Chiefs of Staff.

At a later time, the Commandant of the Marine Corps was added to this, and the Joint Chiefs of Staff consist of all four of the services plus the chairman today.

Well, as a result of this law that was passed in 1947, which was changed slightly in 1949, changed slightly in 1958, and then again last year there were some slight changes as a result of some initiatives that came out of the

Subcommittee on Investigations of the Committee on Armed Services headed by Chairman "BILL" NICHOLS.

But basically the structure has remained what it is.

□ 1605

There are three problem areas within the Pentagon. One is that of the Joint Chiefs of Staff area. The second is in the Office of the Secretary of Defense. The third is here on Capitol Hill, that is, how Congress deals with the military.

I am pleased to say that as a result of a great deal of work by the Armed Services Committee and coming from Chairman NICHOLS' subcommittee we will have before us this coming week a bill that directly attempts and we feel does solve the problem dealing with the Joint Chiefs of Staff.

This, of course, is only one of the three areas, but in so many respects it might very well be the most important and the most serious problem within the Pentagon.

I will set forth what is in this bill and what it attempts to solve.

At the present time, you have the Joint Chiefs of Staff, all four of the Service Chiefs, and the chairman, and their primary advice as members of the Joint Chiefs of Staff, as opposed to the other duties they have as the head of the various Services, is to advise the President of the United States and to advise the Secretary of Defense.

Now, in so doing, they are presided over by a chairman, who, for all practical purposes, is really the first among equals and, for all practical purposes, must lead as a result of force of character, which fortunately we have had there for some time, as opposed to the elevation of him as the supreme leader of that group by statute. As a result, the advice that has been given to the President and to the Secretary of Defense through the years has been advice that has been committee-type advice, consensus-like advice, advice that on many occasions has been watered down in order for all of them to reach a consensus and to agree. As a result, the advice to the President and to the Secretary has not always been timely, has not always been clear, has not always been concise, and as a result it has been watered down advice from time to time.

This has created a situation where some Presidents have not relied fully or, in many instances, have not relied at all, on the advice of the Joint Chiefs of Staff. President John Kennedy was an example of this, where he had his own military adviser and chose, in any number of instances, to avoid and not accept the advice of the Joint Chiefs of Staff.

As a result of that, the Joint Chiefs of Staff have not been as important as

the law contemplated them to be in giving advice.

Another problem in that area has been the fact that the chairman did not control or appoint his own staff.

Now, this is a serious situation because he had staff supplied him by the 4 separate Services and, as a result, those staffs, although they were assigned to the chairman, some 400 or less, were really still Service people and, consequently, much of the recommendations that they made that went up the ladder, that ended up in the Joint Chiefs of Staff arena, were watered down or so often skewed toward that particular Service from whence they came because they knew that their promotions and their futures and all that goes with that came about from their own particular Service.

Mr. Speaker, during the invasion of Grenada 2 years ago there was a resourceful officer that used his own ingenuity and called his headquarters in North Carolina in an effort to coordinate fire and support for his position with the Navy. He was forced to resort to this rather unorthodox method of communication because he was unable to talk directly with the Navy ships to provide the proper type of support. This incident exemplifies the very woeful lack of interservice coordination that exists in our Armed Forces at this time.

Over 30 studies, Mr. Speaker, in the past 40 years, have examined the issue of improving the workings of our Defense Establishment. The focus of most of these studies has been on the organization of the Joint Chiefs of Staff, as I mentioned a moment ago, the nation's top military body. General David Jones, former chairman of the Joint Chiefs, and Gen. "Shy" Meyers, former Army Chief of Staff, triggered this latest effort at reform in 1982 while still on active duty, and each wrote separate articles describing the problems of bad advice, poor staff procedures, interservice rivalry that have been the hallmark of the Joint Chiefs of Staff system.

Now, as I mentioned earlier, legislative efforts began here in the House. Since 1982 the House Armed Services Subcommittee on Investigations has looked long and hard into ways of improving the workings of the Joint Chiefs of Staff. After a series of very thorough hearings, the House passed a bill in 1982, which died in the Senate, and in 1983, both times with broad bipartisan support, and on both occasions the Senate did not address the issue.

On the second time, however, somewhat out of frustration with the Senate, the House included in its bill this last year, in 1984, as an amendment to the 1985 defense authorization bill, the Joint Chiefs of Staff reform measure, and this legislative maneuver enabled the issue to be

raised as part of the Defense authorization conference between the House and the Senate. Several provisions that survived that conference sought to strengthen the chairman's authority. For example, one of those changes deals with allowing the chairman to select the officers he wants on the Joint Staff rather than the four services selecting them. Previously, some of the services preferred to keep their best officers on their service staffs, and the chairman was unable to have or request them as candidates for his staff.

Yet trying to correct the failings of the Joint Chiefs of Staff as part of the DOD authorization conference is not the best way to address this very serious problem. So this year, under the leadership of Chairman NICHOLS and the Subcommittee on Investigations, the Armed Services Committee did report out a bill known as the Nichols-Skelton-Aspin bill, the Joint Chiefs of Staff Reorganization Act of 1985. It is the most significant change in military organization since the Defense Department was created in 1947.

Until now, the chairman of the Joint Chiefs has officially been only the spokesman of the corporate views of the four service Chiefs. As a result, the chairman has been stuck with positions written by a committee that protects the institutional interests of each of the four services.

This 1985 Joint Chiefs of Staff bill strengthens the role of the chairman of the Joint Chiefs by making him the principal military advisor, that is, the No. 1 advisor, to the President and Secretary of Defense.

The chairman is the only member of the Joint Chiefs of Staff with no Service responsibilities, unlike the four service Chiefs. The chairman is uniquely positioned to speak for the broader military point of view. This change that is in the bill undoubtedly will strengthen his voice and help the parochial interests of the four services.

In addition, the Joint Staff will now work directly for the chairman rather than for the Joint Chiefs as a whole.

Another important provision contained in this bill creates a new position of Deputy Joint Chiefs of Staff Chairman. At the present time, the Secretary of Defense, the three service Secretaries and each of the four service Chiefs has a Deputy, someone who can assist him in his duties and carry on when he is not in Washington.

The chairman needs an alter ego. The deputy chairman, I think, is a most important part of this bill.

At this time I yield to the gentleman from Alabama, the distinguished chairman of the subcommittee [Mr. NICHOLS].

Mr. NICHOLS. I thank the gentleman for yielding, and I want to com-

mend the gentleman from Missouri for having a special order on this very important subject.

Mr. Speaker, it is my privilege to report to the Committee on Armed Services today H.R. 3622, the Joint Chiefs of Staff Reorganization Act of 1985. The first thing that should be said about this bill is that it is third-generation JCS legislation. This committee reported, and the House passed, JCS reorganization legislation in both the 97th and 98th Congresses. I believe we are not about to do it again. And we will continue to do so, I hope, until we achieve meaningful legislative reform of the Joint Chiefs of Staff.

BACKGROUND

REPRESENTATIVE WHITE'S ROLE

I mentioned the history of the JCS bill for two reasons. First, the original author of JCS legislation was a distinguished former member of the committee, the Honorable Richard C. White of Texas. His contribution should be recognized today. He, like most of us, I suspect, was not familiar with the intricacies and complexities of the U.S. military structure when two of the five members of the Joint Chiefs of Staff sounded an alarm in 1982, warning that the present structure is seriously flawed and could lead to disaster if tested in wartime.

Chairman White was, however, very familiar with the Constitution. He knew that it makes Congress solely responsible "to raise and support armies * * * provide and maintain a navy * * * make rules for the Government and regulation of the land and naval forces."

Congressman Dick White knew that the Constitution assigns Congress the responsibility for the organization of the national defense establishment, and, because the Investigations Subcommittee has jurisdiction over organizational matters, he realized that he was responsible in the first instance to the House for carrying out this constitutional mandate.

Chairman White proceeded to hold a historic series of hearings, receiving testimony from more than 40 witnesses. The witness list included names like Curtis LeMay, Stuart Symington, Thomas Moorer, David Packard, Brent Scowcroft, Harold Brown, Maxwell Taylor, and John Vessey. Somewhere during the testimony that consumed over 1,000 pages, Chairman White decided that the allegations were true; that is, that there are serious structural problems in the JCS as organized, and that something must be done. He wrote a bill, the JCS Reorganization Act of 1982, and shepherded it through the House. It died in the Senate at the end of the 97th Congress.

Although Dick White did not run for reelection in 1982, I believe it is fitting today that he should be remembered

as the first Member of Congress to recognize the significance of the issue we address today and the first to take action to correct JCS problems.

THE ROLE OF THE ARMED SERVICES COMMITTEE AND THE CONGRESS

It is also fitting to call Members' attention to the fact that this committee was the first governmental body to recognize and call attention to Defense organization problems and to support reform. That is the second reason I am taking the time of the committee to discuss the history of the legislation before us. I want to remind Members of the constructive and far-sighted role played by the committee on this issue.

More than any other legislation in my memory, this bill is the progeny of this committee. Since the 1930's the executive branch has become the initiator, drafter, and chief proponent of legislation. The Congress adds, subtracts, edits, approves, or disapproves. Not so in the case of JCS reorganization legislation. In this area, the Congress seized the legislative initiative. This committee is the author and principal proponent of JCS legislation.

When I became Investigations Subcommittee chairman in 1983, I realized that JCS reorganization was unfinished business. The Honorable LARRY HOPKINS, the ranking minority member of the subcommittee, agreed. And the members of the subcommittee supported both of us. We held hearings in 1983 and the subcommittee reported the 98th Congress JCS bill. It differed in particulars, but was entirely consistent with the previous JCS bill. Once again, this committee gave its full support to the legislation and the House approved it.

For the second time the other body proved to be the stumbling block. Consequently, I added the JCS bill as rider to the Defense authorization bill in 1984. Thanks to strong, determined support from the senior members of this committee from both parties—and especially from Representative IKE SKELTON—several modest, though not inconsequential, provisions of the 1983 legislation were accepted in conference in 1984. Such is the strength of the opposition to reform that those were the first meaningful changes in JCS organization in a quarter of a century.

This year the climate has changed. Reorganizing the joint structure, and indeed the entire national defense establishment, has recently become a national issue. Suddenly, there is concern on all sides—and support for change. After crying in the wilderness, so to speak, for two Congresses, Members of this committee should be proud of the part we have played in placing this issue on the national agenda. We have sometimes been criticized, justly or not, for failure to recognize and take action to correct problems relating to the Department of

Defense. That is not the case with regard to the JCS issue. This committee has been the leader in sounding the alarm that serious flaws exist and something must be done. In my view, it is our finest hour in the years I've been privileged to serve on this committee. I congratulate each and every one of you who has had the foresight to assist in correcting the problems that plague our senior military structure.

Now let me turn to an explanation of the JCS reorganization issue and then to the legislation before you.

DISCUSSION OF JOINT PROBLEMS

Why is it necessary to alter the structure of the Joint Chiefs of Staff? Why does the Investigations Subcommittee repeatedly report legislation to change it? What, in short, is the problem?

First, let me state what is not the problem. The problem is not with the individual service chiefs themselves. Witnesses uniformly distinguished between the performance of individual service chiefs, whose personal advice was given high marks by civilians they had served, and the performance of the JCS as a group of advisers acting as a corporate body.

It is also incorrect to claim that the problem is that this Nation erred in creating the Joint Chiefs of Staff. To the contrary, while recognizing the existence of defects in the JCS as structured, this committee has consistently recognized and affirmed the validity of the principle established by the framers of the National Security Act that the President, National Security Council, and Secretary of Defense should have available a body composed of the chiefs of the military services to render military advice on national security issues when needed. Former Air Force Chief of Staff Lew Allen testified that the JCS "provide the essential linkage between joint strategic planning and the resultant force programming, equipping, and training performed by the Services." The existing joint military framework is the right one. I do not want to get into an argument over whether it is "broke" or "not broke." It has defects that need correcting. But it certainly should not be eliminated.

STRUCTURE OF THE JCS

Now, having got that off my chest, let me attempt to answer the question concerning JCS problems. In doing so, I want to caution Members that I am answering based on the testimony and other documents pertaining to the JCS. Neither you nor I, not having been there, understand through firsthand experience the workings of our senior military structure. That is one reason the Investigation Subcommittee has done its homework. We have gone to great lengths to hear from all sides on this issue.

The problem, then, based on the testimony, is that the Joint Chiefs of Staff—by law the principal military advisers to the President, National Security Council, and Secretary of Defense—is a committee composed of co-equal individuals, four of whom represent strong, often conflicting service interests. There is considerable testimony indicating a built-in contradiction between the responsibilities of an individual as a member of the Joint Chiefs of Staff and as chief of his service. As a JCS member, a chief is called upon to transcend service interests and to participate in developing advice from a joint, unified military perspective—a “national” viewpoint. Yet, as a chief of service, the same individual is looked upon as the principal advocate of the service. Former Secretary of Defense Melvin Laird pointed out the contradiction in testimony earlier this year:

A chief cannot be expected to argue for additional aircraft carriers, army divisions, or air force wings when constructing a service budget and then agree in the joint forum that such programs should be dropped in favor of another service's programs.

The result is that the JCS frequently acts as a negotiating forum in which each service seeks to maximize its position through bargaining.

What is wrong with such a system. We all know how a committee system based on bargaining works. The question is whether that is the way we want military advice to be formulated. I believe there are two things wrong with the bargaining approach.

First, JCS bargaining produces military advice fundamentally different from what was intended by the legislators who created the JCS—and, more important, of less value, because it is “bartered,” to the President and Secretary of Defense. Does anyone here believe that the Iran hostage rescue attempt would have been planned and executed as it was, with all four services involved, if the Joint Chiefs of Staff were not structured as a committee of five coequal members? Rather than bargaining in the best interests of the services, the framers of the National Security Act sought in the JCS an organization composed of the highest military leaders that would deliberate and render advice from a national perspective detached from, but cognizant of, service interests. Instead, because they created a committee of equals, with no mechanism for enforcing a joint military perspective, the JCS is a group that arrives at its positions either by dividing along the lines of the competing interests or negotiating a mutually acceptable consensus in which each member supports the claims of the others.

The second reason I believe the Nation can ill afford a barter system in achieving military advice is that bargaining cannot produce compro-

mises acceptable to the services in a number of contentious areas. As a result, the JCS does not adequately address a broad range of fundamental issues that shape the very core of the U.S. defense posture. These issues include advice on programs and budgets that determine the very composition and structure of U.S. armed forces, roles and missions of the services, joint military doctrine, the composition, geographical assignments, and missions of our combat commands around the world, and joint military training. Members should take note of the implication of what I just said: The principal military advisers in this country cannot deal effectively with fundamental military issues. Thus these issues are dealt with elsewhere, either “by the services” or by civilians in the Office of the Secretary of Defense.

EXAMPLES

Civilian officials, who are by law the individuals the JCS advises, are critical of that advice, to the point of almost holding it in contempt in some cases:

Former Secretary of Defense Harold Brown testified that recommendation from the JCS during his tenure were “almost without exception either not useful or the reverse of being helpful. That is, worse than nothing.”

Former Secretary James Schlesinger said that “the preferred advice is generally irrelevant, normally unread, and most always disregarded.”

Former Secretary Melvin Laird testified that “as now organized, the JCS are too frequently unable to provide effective, cross-service advice on issues that affect important service interests or prerogatives.”

Henry Kissinger said that “the *** concern of the service chiefs *** is the future of their services . . . Their incentive is more to enhance the weapons they have under their exclusive control than to plan overall defense policy.”

Gen. David Jones testified that the JCS spent hours debating which service would fill the top U.S. advisory position in Egypt. Gen. Lyman Lemnitzer, another former JCS Chairman, testified that he had “always felt that many of the previous shortcomings in the Joint Chiefs of Staff resulted from issues remaining undecided for far longer periods than they should by engaging in endless and useless arguments in order to get unanimous agreement.”

The Joint Staff labors under a set of procedures imposed by the JCS that requires staff papers to advance through five levels of bureaucracy before they reach civilian officials. The procedures give each service a veto over each sentence, phrase, or word. The result is the watered down advice that former officials criticized so strongly.

The commanders of the joint combatant commands—the CINCs—do not have influence commensurate with their responsibilities. Joint directives drawn up by the Joint Chiefs of Staff severely limit their authority.

Moreover, the unified commanders do not exercise sufficient control over their subordinate service-oriented component commands. A CINC, for example, can neither select nor dismiss his subordinate commanders. And he cannot communicate with the service chiefs directly; he must communicate through his subordinate commanders.

The Steadman report found that:

The CINCS' forces are trained and equipped by their parent Services who control the flow of men, money, and material to the CINCS' components. The Services (and the components) thus have the major influence on both the structure and the readiness of the forces for which the CINC is responsible.

The chain of command to the Marines at the Beirut airport where 251 young men died in a terrorist bombing extended through seven intermediate military levels. Despite the obvious need to streamline the chain, it was not done until a few days before the Marines were withdrawn. Each of the four services was represented in that chain of command to Lebanon.

The United States has a Strategic Air Command, but no strategic command. The Air Force and Navy cannot agree on the arrangements for such a unified command and the JCS is structurally unable to address the issue authoritatively. By the same token, there is a Military Airlift Command but no unified lift—or transportation—command encompassing air, land, and sea transport. Nor is there an adequate joint service command to deal with low intensity warfare, as our Special Operations Panel has pointed out repeatedly. It has been more than half a decade since the Iranian hostage rescue attempt graphically pointed to the need to improve special operations command arrangements.

No one can be sure that the United States should have new or reorganized joint commands. But I am sure that we need a joint structure that can examine the questions objectively. And we do not have it today.

The joint structure has repeatedly failed to ensure that the basic requirements of joint military operations are fulfilled.

Grenada after action reports cited “poor interservice cooperation as a primary cause of major foul-ups.” Army helicopters with wounded aboard were waived away from Navy carriers that could have provided medical assistance because the Army pilots were not trained in joint operations with the Navy. Air Force, Army, Marine, and Navy units could not communicate with each other. This possibly contrib-

uted to deaths from friendly fire and prohibited the Army from calling for naval gunfire support.

Military intelligence, supposedly under the overall supervision of the JCS, has been faulted as a key component of operational shortcomings in the *Pueblo* incident, the Sontay raid, the *Mayaguez* incident, the Iranian hostage attempt, the Beirut Marine bombing, and the Grenada invasion.

Many missions that are important from a joint warfare perspective are slighted by the services. These include airlift and sealift. Though these missions are not "glamorous," inadequate Air Force and Navy support for them may mean that the United States has an Army that stays home and does not show up in time to fight a future war. Similarly slighted has been Army support for its mission of providing air defense of air bases. Also, the Navy until recent years has discouraged Air Force pursuit of its mission to assist in sea control. Finally, the Air Force has historically slighted its mission of close air support for Army troops in combat. In fact, earlier this year the Air Force Secretary reportedly held the advanced tactical fighter, prized by the Air Force, hostage in an attempt to force the Air Force to make progress on a follow-on close air support aircraft.

The JCS Chairman testified that it was not the job of the JCS to advise either the President or the Congress on where to make cuts to meet the defense budget ceilings approved by Congress. That, he said, is the job of the "service chiefs looking at the individual budgets." That is, on one of the most fundamental military issues—allocation of resources to buy guns, tanks, airplanes, and ships, and support military personnel—the JCS passes, its Chairman declaring that it is not a JCS responsibility.

To bring the point home, the services are now going through the exercise of cutting back on their budget projections for the next 5 years. Traditionally, the services respond to cut-backs by stretching out programs and slighting munitions and other readiness accounts that are crucial to joint field commanders. True to form, the Army chief of staff last week announced that \$90 billion had been cut from Army 5-year projections but no major program was terminated. Instead, programs were stretched out and munitions stocks in Europe were cut. That is, joint readiness received its usual low priority.

In 1984 a Pentagon report found that "today, the U.S. European Command—that is, a joint military command—has neither adequate medical readiness resources nor effective joint plans for the resources it has." Recently, the Assistant Secretary of Defense for Health Affairs testified that far less than half the U.S. casualties in

a war in Europe could be given adequate medical attention. Planning for medical readiness is in the first instance a joint responsibility.

DISCUSSION OF H.R. 3622 APPROACH TO CORRECTING JCS PROBLEMS

I think you will agree that the present JCS structure has problems that should be corrected. Let me turn now to an explanation of how H.R. 3622 would attempt to correct the problems I have outlined.

MILITARY ADVICE

The bill would alter the way joint military advice is developed and the responsibility for performing other joint functions by strengthening the Chairman of the Joint Chiefs of Staff, making him the principal military advisor to the President, the National Security Council, and the Secretary of Defense.

The Chairman would continue to preside over the Joint Chiefs of Staff and would benefit from the Chiefs' deliberations. The "essential linkage" between the input and output sides of the Armed Forces, emphasized by General Allen, would be maintained. But the Chairman would correct the flaw in the established coequal committee structure. He would formulate his advice and perform the other duties now assigned to the Joint Chiefs of Staff from a national perspective.

The Chairman of the Joint Chiefs of Staff is uniquely qualified to assume additional responsibilities as an adviser championing the unified military viewpoint. He is the only member of the Joint Chiefs of Staff who has no service responsibilities. Though Chairmen continue to wear the uniforms of their services, experience has shown that they have traditionally assumed a joint or unified perspective in evaluating military issues, unbiased by former service ties.

H.R. 3622 would give the Chairman control of the Joint Staff to assist him in developing his formal advice. In addition, the bill would create a Deputy Chairman who would act as Chairman in the absence of the Chairman and would become the director of the Joint Staff. The Chairman's term would be increased from 2 years to 4 years, making it the same as the other JCS members. Though the Chairman's advisory responsibility would be all-inclusive, the subcommittee intends that the Chairman give special attention to those issues that the corporate JCS has been unable to address effectively—programs and budgets, roles and missions, et cetera.

In strengthening the Chairman, the subcommittee also intends to expand the sources of military advice, thereby correcting other shortcomings in the current structure. Notwithstanding the advantages afforded by an advisory body consisting of service chiefs, the present structure suffers from the

absence of a corresponding mechanism for obtaining the advice of the unified and specified commanders. The Nation places on the CINC's the awesome responsibility of employing U.S. forces in wartime, and maintaining the peacetime preparedness of the combat forces for war. Yet they play a relatively small role as military advisers and their lack of influence in Washington is notorious. One way to ensure the quality of military advice is to seek it from those who would be responsible for carrying it out. In the 1984 changes to the joint military structure, the JCS Chairman was made the spokesman for the unified and specified commanders. H.R. 3622 would make the Chairman their day to day supervisor, under the direction of the Secretary of Defense. Furthermore, the bill directs, that, when it is appropriate, the Chairman will consult with the CINC's as well as the Joint Chiefs of Staff in performing his legally assigned joint responsibilities. The subcommittee believes that the Chairman should integrate the recommendations of the unified and specified commanders, establish priorities, and provide civilian authorities a coherent set of combatant command proposals.

Some Members have questioned whether H.R. 3622, in strengthening the Chairman, would not exclude the Joint Chiefs from rendering advice to civilian authorities. It would not. But it would alter their role. At present the JCS system addresses approximately 3,000 issues a year. Only a small fraction of those issues—perhaps as few as 200—involve major national security issues. Yet any service chief who wants his way on any issue can slow down the entire system, or bring it to a halt. That is one reason, apparently, for the repeated criticism heard during the hearings that the JCS is slow in rendering advice.

The subcommittee intends that the Chairman assume sole responsibility for handling the second-order joint military issues, and that both the Chairman and the full JCS address major joint issues. In strengthening the Chairman, the subcommittee intends to create a counterpoise to, but not a substitute for, the corporate JCS body. The subcommittee believes that the advice of the entire JCS, from whatever perspective it is derived, should be available to the President and Secretary of Defense on major issues. Consequently, the subcommittee has included provisions in H.R. 3622 that ensure that the President and Secretary of Defense will receive the advice of the full JCS when they request it. I believe the Secretary should establish directives after this legislation is enacted that establish guidelines for the submission of advice by the full JCS. The bill also affords each chief the right to render his

advice directly to the Secretary of Defense and then to the President if he disagrees with the advice rendered by the Chairman or the other members of the JCS.

NATIONAL SECURITY DELIBERATIONS

Possibly as a result of the deterioration in the quality of joint military advice, the influence of the military in deliberations at the highest levels concerning issues of the utmost concern to the survival of the Nation has diminished. The subcommittee believes that political leaders should avail themselves of the advice of the Chairman and, when they deem it necessary, the Joint Chiefs of Staff and the combatant commanders, on all issues in which the military component is significant. Moreover, the subcommittee believes that advice rendered by these most senior military officers should receive careful consideration when decisions are made. If shortcomings in the quality or timeliness of joint military advice have rendered it inadequate in the past, H.R. 3622 should correct these faults.

Consequently, the subcommittee has included a provision in the bill that requires that the JCS Chairman or his deputy shall attend all meetings of the National Security Council and shall participate fully in its deliberations.

STREAMLINING THE MILITARY CHAIN OF COMMAND

A number of witnesses during the hearings expressed concern that a committee, the Joint Chiefs of Staff, has been included in the military chain of command by Department of Defense directive. These witnesses recommended placing a single military individual in the chain. Secretary Weinberger in 1983 requested that this change be adopted by placing the JCS Chairman in the chain of command. The 1983 bill complied with his request. However, the subcommittee received a communication earlier in 1985 from Secretary Weinberger recommending that the national military chain of command not be specified in the law and consequently we have not placed the Chairman in the chain of command. Secretary Weinberger now believes that such a provision would "breach the principle of civilian control."

Secretary Weinberger suggested that, if he were given the authority in statute, he would change Pentagon directives to provide that the military chain of command below the President and Secretary of Defense is routed through the Chairman of the Joint Chiefs of Staff.

□ 1620

Mr. Speaker, I want to commend the gentleman from Missouri [Mr. SKELTON] on his diligent efforts to assist us with this bill. We hope to be able to get a rule next week and possibly bring this bill to the floor of the Con-

gress. I also hope that we will have a great deal of bipartisan support and I appreciate the gentleman yielding me this time.

Mr. SKELTON. Mr. Speaker, I thank the gentleman and I wish to return this compliment. This is an example of persistence paying off, and the gentleman is the example of that because if it were not for your persistence and determination this bill would not be the reality which it is becoming.

We thank you for the hard work and the several years you invested in it. We do see light at the end of the tunnel. I might add at this point that we on the House side, your subcommittee, and those of us who have been interested in this legislation have been the only ones sounding the clarion call, and we have met with resistance in the other body, although we were able to get a few of the items adopted in conference last year.

This year, I think the whole complexion has changed as a result of speeches made on the floor and in the other body by Senators NUNN and GOLDWATER. I think that we will see a much brighter prospect for actually having legislation signed into law.

Mr. Speaker, at this time I am pleased to yield to my colleague from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, I just want to say that I am particularly grateful that both Mr. NICHOLS and yourself have worked very, very hard to make this a bipartisan effort. As you were pointing out, you have both Senator GOLDWATER and Senator NUNN in the other body actively engaged in a bipartisan effort and the kind of work you have done, the fact that on the report as I understand it from the Armed Services Committee on your reform bill, that not a single Republican voted against it. The fact that this week the policy committee of the Republican Party of the House endorsed it. I think that there is a clear sign that in the Congress there is now a very deep, bipartisan commitment to real military reform.

I know that the gentleman from Missouri has worked very hard over the last 3 years to fashion the right kind of fundamental improvements in the Joint Chiefs of Staff system, and I just want to take a minute as a member of the Republican Party in this House and somebody who has been, for a very long time, actively working on the problem of how we develop a more effective defense, I want to take a moment to thank you for the leadership you have shown and also say that I think you will find on our side of the aisle a great deal of support for this kind of reform and a great deal of support for the efforts that have been undertaken in a bipartisan

manner by the Armed Services Committee.

Mr. SKELTON. I thank the gentleman. I would like to put a thought or two to the gentleman from Georgia.

You will recall, and I appreciate your mentioning the fact that the Republican policy committee did endorse this and set forth a resolution. You will also recall that we have some 137 cosponsors of both parties and I believe all political spectrums are involved there.

What concerns me in that we in Congress are going to have to bear this burden all the way through to the finish. This issue surfaced as a proper issue in 1947 as addressed, and the gauntlet was thrown down as you recall by President Truman in 1946, and it got derailed somewhere along the line in compromises and I think that a good part of the U.S. Congress was split along some service lines for one reason or the other. As a result of that, you came up with the 1947 act, the basis of which we have had in the law ever since. As a result, it does not work. It does not work nearly as well as they intended on what they wanted.

Consequently, the bipartisan efforts that we have here, and I truly appreciate them. I truly appreciate your interest so much. I speak to many others on your side of the aisle that have either directly or indirectly been of great assistance in and outside of the Armed Services Committee.

I yield to the gentleman from Georgia.

Mr. GINGRICH. I just wanted to comment that I think that we in the Congress should recognize that no large bureaucracy ever reforms itself. It was Alfred Mahane, the developer of the art of naval strategy at the Naval War College who made the comment, I think it was around 1914, to Theodore Roosevelt, that no one should ever expect a navy to reform itself. The fact is that large systems cannot do that, so that is the job of the outside.

It is important if you look at the Constitution of the United States to recognize that the Founding Fathers established in the Congress, in the legislative branch, the responsibility in peacetime for the raising of armies and navies and providing for their structure. I think we have to recognize that the buck, really, on this kind of organizational reform, the buck stops in the Congress. I think we can expect to have some elements of the uniformed services opposed. We can expect to have some of the appointed bureaucrats opposed, but I think that it is very important, as you said earlier, that when people of the courage and of the professionalism of General Jones of the Air Force and General Myer of the Army come in in the position of having been the Chairman of

the Joint Chiefs and having been Chief of Staff of the Army, respectively, and tell us that in their professional judgment the current system does not permit the development of the kind of effectiveness the American people should expect of their Defense Department.

□ 1630

Then I think the burden clearly is on the Congress to take these steps.

I just want to say again that I think it is very important for people around the country to realize this is not a Democratic issue, this is not a Republican issue, it is not a liberal or conservative issue; it is a case where people of all ideologies and of both parties who have looked at this problem have collectively come to the conclusion that while the current uniformed officers manning the positions are well intentioned and sincere and intelligent and dedicated, they are bound by their own parochial interests to oppose this kind of reform.

And we have, I think, an obligation to look past immediate short-term arguments and recognize the historical requirement that if America is to survive and be safe, we have to have the kind of prudent reform that the gentleman from Alabama and the gentleman from Missouri have brought to the House.

I just again want to thank the gentleman for the work he has undertaken.

Mr. SKELTON. I appreciate the gentleman's comments.

In reflection, I think that we must realize that the buck does stop here. It is Congress that will have to draft and redraft and make this law a workable law. For the military to do it itself, we may be asking too much.

We can think back to the old adage that there is only one thing more difficult than getting an old idea out of the military mind, and that is getting a new idea in. We say that somewhat with tongue in cheek, but when you do urge the military to change itself, it is very difficult for them to do from within.

I might also add, and the gentleman was kind enough to mention the names of several of the gentlemen, that other people have been raising the problem, Secretary of Defense Laird, Secretary of Defense Brown, Secretary of Defense Schlesinger—I should say all Secretaries of Defense—and a gentleman who was of great assistance to me in drafting the first piece of legislation that I introduced to reform the Joint Chiefs of Staff was a very wonderful soldier from Missouri, Maxwell Taylor. I want to pay public tribute to his great contribution and the fact also that he came over and testified before the Armed Services Committee. It was of great benefit not just to me personally in putting

this together, but also to the committee itself. So he should have the plaudits due him.

A number of problems have been raised with the system as it is. The former Chief of Staff Shy Meyer, who is now retired from the Army, has explained several. He explained that there are two important questions connected with the issue of organizational changes, why it changed now and how much change.

He stated that today's system fails to provide the quality of military advice needed by senior civilian officials, both elected and appointed.

He cited two problems with the Joint Chiefs of Staff system. One is the inadequate amount of time for a service chief to do the two jobs at the same time and, second, the conflicting loyalties of a service chief between his two jobs; one as the service chief, such as the head of the Air Force and the Army and the Navy and the Marines, and the other as a member of the Joint Chiefs of Staff. There is an inherent conflict there.

Well, there have been a number of other issues raised, but suffice it to say that I do see light, a bright light, at the end of the tunnel as a result of this legislation.

The cooperation that we have had throughout the hearings in the Armed Services Committee, the leadership of our chairman, Les ASPIN, the leadership of the subcommittee chairman BILL NICHOLS, the ranking minority member, LARRY HOPKINS on the Investigations Subcommittee, all have been so very, very helpful, and I appreciate it.

We will see this bill before us next week, and I would take this opportunity to urge my colleagues who have not been one of the 137 cosponsors as yet to cosponsor it and, of course, to study it, review it and hopefully they can see their way clear not only to vote for it, but to give us a substantial majority as we bring this bill up and send it to the Senate next week.

DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-127)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, November 13, 1985.)

PLAYING GAMES OVER THE DEBT CEILING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this afternoon about the mess we are in and the fact that anyone who has been watching the House in recent days has watched us pass, I believe it was an 8-day debt limit extension, and now we are passing a 30-day debt limit extension, this one I think is ending with peculiar appropriateness on Friday the 13th of December.

Now, I think that it is fair for the American people to ask of this Congress, why do we continue to play maneuvering games over the debt ceiling? Why is there a process again and again of Congress either coming within a day or so of defaulting, as some people have suggested, of not sending the checks out, of not paying the bills, why is all this going on? And why are we not able to do business better?

I think the central reason that we are in the mess we are in is that there is a serious underlying fight in the city of Washington between those of us who would balance the budget by controlling spending and those who would try to balance the budget by raising taxes.

And the importance of the Gramm-Mack proposal to bring the budget into balance is that it gave a clear formula, a clear project line, for how you could control spending so that the budget would be balanced without a tax increase. That frankly means that, with the exception of Social Security, everything else the Federal Government spends money on would potentially change. It means we have to look carefully at defense spending. We would have to look carefully at national parks, at the Interior Department, at the way we run the Congress, at health care, at every single thing we do. No part of the welfare state, no part of the Defense Establishment, nothing would be a sacred cow, because if you are going to really change things, the fact is you are going to have to change them.

And one of the reasons Washington has not been able to control spending is that every time we talk about change in general people applaud, and every time we get down to really changing things, people start to say, "No, no, you can't do it."

Conservatives, led by Senator GRAMM in the other body and by CONNIE MACK in this body, came to the conclusion that if we refused to extend the debt ceiling, if we refused to allow the Government in effect to borrow more money without controlling spending, we would be in a position to

then say to the liberals in the Congress, "All right, either you're going to be responsible for Government closing down or you're going to agree to control spending, but we are not going to go back home and tell our citizens that we raised their debt by thousands of dollars per family and did nothing to control spending."

□ 1640

The idea was so ingenious that when Senator GRAMM first proposed it, it had remarkable power. The liberals could not figure out what to do. They were totally confused.

There was a brilliant article in this week's New Republic by Fred Barnes on "TEDDY" KENNEDY's decision to vote for the Gramm-Barnes proposal. The essence of the New Republic article is very simple, that there are a number of Democrats who recognize that the old policy of spend and tax, spend and tax, which has recently become spend and borrow, spend and borrow, was not sustainable, that it was necessary for us to begin to bring spending under control in some fashion. That is why in the other body there was a considerable element of support for this proposal; however, when the proposal to control spending came to the House, the liberal Democratic leadership refused—refused to take it seriously. They deliberately assigned a conference committee so large that they knew from the very beginning that nothing could be accomplished. They deliberately dragged out every possible element of negotiation, and those Republicans I have talked with who served on the conference committee agree that it was speech after speech. It was long rhetorical opportunity after long rhetorical opportunity, but there was no action, there was no real effort to bring spending under control.

Then we came to the first real crisis. The Government was about to run out of money. It was, in effect, going to have to cash in some of its bonds in order to be able to send out the Social Security checks. At that point, the House of Representatives engaged, under Democratic leadership, in absolutely ridiculous behavior. First having said that we had to do something on a Friday or the world would fall apart, the Democrats promptly passed a debt-limit extension for 8 days and walked out, adjourned, left without the other body having done anything.

In effect it was like saying, "I'm going to give you an IOU. I don't know if the bank will cash it and I'm leaving town."

In fact, the other body did not accept it. We were left with the House under the liberal Democratic leadership having failed to meet its obligations.

This week we would once again have run into a ceiling. This week we would once again have no money.

I think from the conservative standpoint, that is good, because the truth is that until we run into a crisis, the Congress of the United States is not going to control spending.

The truth is that unfortunately a great number of Democrats in this body are not going to vote to control spending. In fact, the Rostenkowski amendment which was adopted 2 weeks ago was in itself designed to fail. It first included a clause which was clearly unconstitutional, denying the President the power to veto, and then said, "By the way, if any part of this amendment is taken to be unconstitutional, the whole amendment is dead." It was a deliberate design to make sure that nothing that would work could be passed.

Where are we today? Today, just a few days away from another crisis, we sidestepped it by passing a 30-day limit extension. We increased the debt of the average American family of four by \$1,600. That's right, every American citizen, every man, woman, and child, is \$400 more in debt today than they were yesterday; but, of course, that debt is just to the Government. It is just part of the huge almost \$2 trillion debt which we have now built up because we are spending more than we are paying for.

Have we solved anything by today's actions? No. We have papered over a problem which frankly we sooner or later have to confront.

Are we likely to solve anything by December 13? Not necessarily. This body may find another way to hide from reality. The administration may find another way to not force a crisis. The President may decide not to appeal to the country. We may be back in the same soup and then the question will be, "Do you really want to make Christmas miserable? Do you really want to spend December fighting over this? Shouldn't we adopt a 30-day extension to January and that will get us through the Christmas season with good feelings, and then we can worry about it in January."

Of course, in January the question will be that the President is, after all, going to make his State of the Union Address. We really do not want to embarrass him. Why don't we have another 30-day extension?

Yet the fact is simple. The people of the United States want a balanced budget. The people of the United States do not want a tax increase. That means by definition the people of the United States want us to control spending.

In fact, I suspect if you went to the American people and said, "How would you feel about a 5-year plan to control spending to produce a balanced budget, which as a result would both

lower interest rates and increase economic activity to create more jobs, thereby raising more tax revenues as more people went to work and got wealthier?" I suspect 90 percent of the American people would favor some kind of program which would control spending.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to my friend, the gentleman from Florida.

Mr. MACK. To pick up on the point about interest rates and tying it into this constant renewing of the crisis; that is we said, October 1 was the first deadline that was supposed to be a crisis and the Treasury found the financing bank and no longer was there a need to act on a deficit-reduction package; at least that was the excuse.

Then second, the Social Security trust funds were disinvested, and now today a third way of avoiding coming to a conclusion was found.

It is almost as if the other side had the impression that there was nothing else out there that was being affected by our inactivity, or I should say their inability to come up with an agreement on our part of how to go about solving the spending problem.

I am sure that the farmers in the Midwest would be real interested in understanding that if in fact we could come up with a conclusion and solve the problem and set upon a course that would reduce deficits over a period of time, that there would be a significant impact as far as interest rates are concerned. Those interest rates would affect them both directly in the cost of their day-to-day operations and, second, would impact them on their ability to sell products abroad.

I am sure that the unemployed workers of this Nation would be real interested to see what would happen if a growing economy could expand at a 1 percent higher rate than we have been experiencing during the last 9 months or so.

I am sure that those bankers in small communities throughout this country who are feeling the effect of disinflation would also like to be able to protect their depositors.

So it is not as if we were sitting in some kind of a vacuum where the only thing that is either approved or disapproved is the relationship between the two parties here in Washington. The end result is a very real one. It is the impact on our Nation. It is the impact on our Nation's ability to grow. It is on our Nation's ability to produce goods and sell them abroad. That is the real problem that needs to be solved.

I thank the gentleman for yielding.

Mr. GINGRICH. Well, if I can pursue that for a minute, it seems to me that we once had an estimate from

the Chairman of the Federal Reserve System, Mr. Volcker, that every \$50 billion in spending cuts or deficit reduction was worth about 1 percentage point in interest rates. That would mean, in theory, that next year alone you would have at least a 1-percentage-point drop in the interest rate if we in fact passed the Gramm-Mack proposal.

I suspect if you went to the farmers of the Midwest and said to them, "If we could get interest rates 1 percentage point lower in 1986, in 1987, and 1988 and 1989 and 1990, and we were able to drop the interest rates you are paying on your farm, the interest rates you are paying on your tractor, the interest rates you are paying on your fertilizer and your seed," I think you would see that an awful lot of farmers would tell you that interest rates today are a bigger factor in farm costs than anything else they are paying for. They pay more for interest on the money they borrow than they pay, for example, on the gasoline they use, than they pay on all the operating costs to farm.

I think if the average person is worried about America's agricultural crisis could understand that every month that the liberals try to wiggle away from passing the Gramm-Mack proposal, they increase the interest rates for American farmers. In fact, every time we fail to pass any kind of control on spending, we increase the pressure on American farmers. Nothing would do more to save American farms than to pass the Gramm-Mack proposal.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

You know, someone once described Washington, DC, as an island that is surrounded by reality. The fact is, in the debate we saw today on the House floor we saw a good example of that.

The gentleman has mentioned the fact that what we did today, if in fact it becomes law, would increase the debt burden assigned to each American family by \$1,600; yet we come to the floor here and we pretend as though that has no impact on their lives. We increase the debt burden on every elderly couple in the country by \$800. We pretend as though that has no impact on their lives. We increase the debt burden on each family of four in the country by \$1,600. We pretend as though that has no impact on their lives. We increase the debt burden on every youngster in school by \$400 and we pretend as though that has no impact on their lives, either now or in the future.

I mean, it is a great job of pretending that has no basis in reality. Obviously, that kind of a debt burden being

assigned to people does have an impact on their lives. It raises their interest rates. It reduces their ability to do with their own money those things that they would like to do. If in fact you take money out of their pockets, by whatever means, whether it is by the Federal Government borrowing and wrenching that money out of the economy or whether it is with taxes, ultimately you have a direct impact on their lives. That is what the proponents of the liberal welfare state seem to fail to recognize. They talk about all the good things that they want to do with this money. We heard again today a litany of all the good things that were going to be done with the money that we were raising in debt.

The fact is, though, that they are preventing a lot of families from doing good things with their own money, with their own resources every time they do this.

My guess is that if you went to the average American family and you said to them "What would you prefer to do, would you prefer to be able to incur \$1,600 worth of debt on your own for priorities you define, or would you prefer to have Congress incur \$1,600 worth of debt on your behalf?" The fact is that most American families would say, "I would prefer to use that money for my own priorities."

Yet Washington operating in unreality, this body operating in unreality, instead decides that we will impose \$1,600 worth of debt. We know best. We will determine the priorities and wrench it away from every American family.

I think the time has come to begin to call the people who are spending the money and who are then going out and borrowing the money and taking it away from every American family on what it is they are doing. It does not matter what smokescreens they put up. The most recent smokescreen has been Social Security. They will have another smokescreen today. They had the smokescreen of the summit conference. In December they will have the smokescreen of getting home for Christmas. Somewhere along the line they will always have a smokescreen.

The fact is what they are doing is taking money away from American working families. They are taking it away in such large chunks that it is unimaginable.

The average working family in this country gets about \$17,000 in income. We placed \$1,600 more debt on that family with what we did today. That is almost 10 percent of what that family can expect to earn in a year. That is an appalling statistic. I think Congress deserves to be held accountable for it.

I thank the gentleman for yielding.

Mr. GINGRICH. Well, let me dwell on that for a second. I want to say to the gentleman from Pennsylvania that

I would be much happier with the December 13 deadline if I thought there was any likelihood of an organized, effective White House effort to communicate to the country to organize the forces that want to control spending and to really bring to a vote on that day the Gramm-Rudman proposal; but my fear is, that when you have a White House which totally and inexplicably decided to veto the National Institutes of Health bill, knowing it would be overridden—we will not see such an effort from the White House—I forget the exact number, but I believe it was over 400 votes in favor and 10 against, so the President, in effect, ran headlong into a hurricane of opposition on a very popular program which virtually every American would agree ought to in fact be sustained.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, my staff has just informed me, so that we have it clear, it was 395 to 10.

Mr. GINGRICH. I appreciate that very much.

Mr. WALKER. I checked the numbers earlier today. I wanted to be certain the gentleman was accurate.

Mr. GINGRICH. I did not want to exaggerate the scale of the President's defeat yesterday. It was 395 in favor of overriding his veto to 10 against.

□ 1655

Mr. WALKER. That was the original vote. The original vote was 395 to 10.

Mr. GINGRICH. In other words, when it first went through the House and the first signal was sent to the White House whether or not this bill was a plausible target for a veto, the signal that they received was 395 Members of the House voted in favor of the bill?

Mr. WALKER. Yes. They had a 39-to-1 chance of not having their veto sustained in the House.

Mr. GINGRICH. So when we talk about Washington being an island of fantasy surrounded by reality, we now have somewhere in the White House an island of intense fantasy surrounded by lesser fantasies.

Mr. WALKER. That is exactly correct.

Mr. GINGRICH. The point I want to make, and I hope the President at some point has a chance to consider all this, the fact is that the President is the greatest visionary leader of our lifetime and there is no question in my mind that at any point in the last 6 weeks, if President Reagan had gone to television and said to the American public what he has been saying to the Republican leadership at their weekly meetings, had he ever gone and, for a half hour, explained to the American people the crossroads we are at, had he ever used the example of the gen-

tleman from Pennsylvania and said, "Now, look. We have a choice of borrowing \$1,600 more on your family's future or controlling spending and I want you to make sure we bring spending under control." I am confident that this evening we would be standing here talking about how the President can go to Geneva having finally, completely, brought under control the American deficit problem.

I am confident that this evening we would see interest rates dropping, we would see the American farmer in better shape, we would see the rest of the world understand that our economic progress is going to continue because everyone around the world would be able to say, "The American Congress was finally forced by Ronald Reagan and the American people to do something."

My fear is, and I would say the odds are overwhelming, that between now and December 13 the President will not make a speech to the Nation, between now and December 13 there will not be a rational, coherent White House strategy, between now and December 13 there will not be a systematic effort to organize the Nation at the grassroots and, therefore, we will have wasted 30 more days.

Mr. WALKER. If the gentleman will yield further, I think I share many of those concerns, because it comes across to me that there are people within the administration who are attempting to send mixed signals even on the issue of a balanced budget; that there is no doubt where President Reagan stands on the issue of a balanced budget. For 20 or 30 years he has gone to the country talking about the need to balance this country's budget, so he has a long-standing record.

The problem is he seems to have people around him who are saying, "Yes, that is a nice idea, but we do not really want to support any given plan," and then they try to define for the President how harmful this might be to some of the programs he favors and we begin hearing reports back that that is the kind of attitude that is being taken by some of his key advisers. That is, first of all, destructive of the process; but second, it leads to the kinds of conclusions that we find where the President does not come out and take a strong stand on something which is very, very important to his long-term program.

I find it very disappointing. I think that we do need Presidential leadership at this point. We certainly need to have a united effort among conservatives in this country in order to get us to a balanced budget, and right now I am afraid we are a house divided on some of these questions simply because we cannot get the kind of leadership signal that moves us toward a balanced budget.

Mr. GINGRICH. If I can build on that for just a minute, because I think the gentleman has been, frankly, too kind, I think that there are some people in the administration in fairly high appointive office who, if they had been working systematically to avoid the passage of the Gramm-Mack proposal, could have hardly been more successful.

The first key to the Gramm-Mack proposal was to force a real crisis, to keep the Congress' feet to the fire, to not let us go home, to make us vote, and there was a systematic effort in the Department of the Treasury to find every possible mechanism for avoiding that crisis. I think this was very destructive of the effort to pass the Gramm-Mack proposal.

In the second place, in order to really control spending, there is no question we are going to have to reform the Pentagon. We have to face up to it. Every conservative in America has got to come to the conclusion that there is no excuse for wasting money just because you are in a uniform and there is no excuse for wasting money just because you happen to be in the Department of Defense.

Let me tell my colleague, I make speeches to an awful lot of military groups. I do not find any career officers who are very excited about being in the most wasteful branch of Government. They are not currently, but they are in the race. They are as willing to have the opportunity to reform the Pentagon as anybody else, but if we had leadership in the administration that would say, "Yes, I am willing to come back and challenge the Congress; yes, I am willing to go to multiyear procurement; yes, I think there are ways we can close bases and we can trim waste and we can cut red tape," then the President would be in a lot better shape.

Finally, I would say to the gentleman from Pennsylvania, it is very clear that the Reagan administration is itself divided over the Gramm-Mack proposal. From everything I can tell, the President personally likes the idea of cutting spending. There seems to be very indication that the President would like to see something like the Gramm-Mack proposal. He would like to see a 5-year plan to bring the budget into balance. He would love to leave office as the President who not only got the economy moving and strengthened defense, but also who finally put America on a path to a balanced budget.

On the other hand, it is very clear that there is tremendous infighting inside the administration between those who are afraid of the Gramm-Mack proposal, those who frankly are more closely allied right now with liberal Democrats than they are with House Republicans, and those on the other side who, as conservatives, be-

lieve in Ronald Reagan's speeches, really do think that we ought to be in a position of fighting very hard to get some kind of Gramm-Mack proposal.

So my point in taking this time this evening is to say, look, if all we are going to do is waste the next 30 days, if the President is going to go off to Geneva, come back home and get mixed up in some secondary fight and waste his credentials and his energy and his IOU's on something less important than controlling spending, then we are going to be right back in the same fix 30 days from now.

We have the potential to try to make lemonade out of this lemon. We have the opportunity to take this 30 days that, frankly, we should never have gotten, to go ahead and spend the time developing a Gramm-Mack offensive that goes to the grassroots, that explains the case, and to have the President make a nationwide address on television in the evening and ask all of us, all Americans who want to control spending, to contact their Members of Congress.

I think if that is what is going to happen, then we have used this time wisely, but I think it would be a tremendous waste of this opportunity if, at the end of the next 30 days, we are no better off than we are right now. If all that happens 30 days from now is that the liberal welfare state special interest groups have gotten all their mailings out, the various liberal welfare state groups that want more Federal money, all the groups that want tax increases are out there working every day, if all the people who oppose Ronald Reagan's vision are out there working, if the people who carried one State are more energetic and more effective and more decisive than the people who carried 49 States, then I think we will have lost ground.

Mr. MONSON. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I would be very glad to yield to my friend, the gentleman from Utah.

Mr. MONSON. I appreciate the gentleman from Georgia yielding to me.

Mr. Speaker, I think the point the gentleman just made is very important, because I am already starting to get mail from these special interest groups. I do not use the term "special interest groups" in a negative way. I happen to believe that people have a right to let us know what their views are. But I am getting that mail already, and instead of talking about not cutting programs from a general sense, they are now saying, "Do not cut it because of Gramm-Mack." They have already started to flood the mail with this and it is just going to get worse and worse as we go along unless, as the gentleman says, we do something to get on the offensive with it and I

think it is very important that we start that.

I do not go home on a weekend without getting the message that people still want me to do something about cutting spending and getting the deficit taken care of. They really do not offer me any suggestions on how to do that other than say we have to cut spending. But the main point is that they say we have got to do it. They do not ask me why it is not being done. They say, "Why have you not done it?" They lay it right on my shoulders.

I voted today against an appropriation bill. I voted against extending the debt limit. Some of my colleagues suggested I should have voted for it just because of the way it might help my reelection chances.

I do not look at it that way. I think there is a principle involved here and we need to fight for that principle or else we are not going to get anywhere. The people who are so frightened by this really bother me because I do not think there is any indication that they are committed to real deficit reduction and yet they get up and give these nice speeches that sound as if they are, and apparently people buy it. A lot of people who are voting opposite to me are probably going to get reelected a lot easier than I will get reelected next year, and I do not understand that.

But the point is, we have to do something about it. I come from a State where we have a similar proposal on the books already, and people say, "Well, you cannot compare the Federal Government to State government and you cannot say we need a balanced budget amendment because there are no teeth in it." My State has a balanced budget requirement in its constitution and there are not teeth in that. We do not get arrested if we do not balance the budget. But it is a violation of your oath of office if you do not balance the budget, and the same thing would be true if we did it here. If those are not enough teeth, I do not know what is. I do not want to be in violation of my oath of office, and I do not think anybody else does who has been elected to this body.

So there are teeth. On top of that, the easiest way to accomplish this is to take something from everybody. Nobody is going to like that, and I recognize it. Every time we have to go through it in Utah, it causes pain for people, but it gets done because it is required and because people recognize that is what we have to do to maintain that.

□ 1705

That is all we are asking people to do here.

Yes, there are some that have decided we should exempt certain things. I am not so certain that is even the

right thing to do. But we want to keep that as little as possible.

My Governor told me last weekend that in order to make it as fair as possible and to inflict as little pain on the States as possible, we need to make it across the board, and I would be all for that myself. But I recognize the Social Security recipients and others are expecting certain things. I frankly do not think Social Security should be part of the budget anyway, and that is the easiest way to resolve that. But we cannot take the easy solution very often. We figure the easy solutions must have something wrong with them because they are too obvious. Maybe we ought to try them once in a while and see if maybe they would work.

Mr. GINGRICH. Let me commend the gentleman from Utah for his courage, because I know you were in a very tight race last year. There are three things you made me think of, and I just want to say this because I really think you have put your finger on something.

In the first place, the liberal welfare State Democrats desperately cling to Social Security as the shield behind which they hide every piece of bad legislation and every piece of bad spending they want to get, and again, in today's debt limit extension, they deliberately put the words "Social Security Trust Fund" not because it had any meaning, or not because the words mattered, but because they were convinced that they could convince people to vote for it just by having the words in there. It is almost a magic voodoo that they have, and they believe there is a magical incantation. I think you can go back home and tell folks the truth and say to them, look, do you want somebody with guts to go to Washington and try to change things, or do you want somebody that is going to leave your children \$10,000, \$15,000, \$20,000 in debt each? I think most grandparents on Social Security love their grandchildren and are just as concerned as the gentleman from Pennsylvania about seeing their children and grandchildren left behind having another \$1,600 in debt per family. And I think they want somebody with courage up here.

In the second place, we Republicans are going to have to acquire the skills and the toughness and the courage to stand up to the kind of distortions, and the kinds of downright fabrications that the Democratic congressional campaign committee is going to send out, and we are just going to have to turn to and go into the editorial board, and go into the radio call-in show and townhall meetings and tell it like it is when they do something that is absolutely totally phony as was when we passed the debt limitation extension and then adjourned without ever seeing whether the other body

would act. We are going to have to acquire the skill to get that message across, that when you hear from the Democratic Campaign Committee, what you are hearing is that fantasy-land from fantasy city.

The third thing is we have to recognize that there are some interest groups in Washington who have, over the years, hired very liberal staffers, who are far to the left of the people back home who pay dues to those interest groups. I am frankly taking the position that I am very willing to go back to my district and to have those interest groups bring their executive director in and talk about what is in the interest of the people of my district, because I will tell you flatly, as far as I am concerned, we have an obligation, as Barber Conable, a former Member from New York used to say, to represent the general interest.

We have an obligation, it seems to me, to stand up and say to every citizen in our district that I am not willing to sell America out just because I am scared of you. If you want to elect somebody who is afraid, and elect somebody up here who votes from fear, get somebody new because America is not going to survive as a free country or a great Nation if our politicians are afraid.

Mr. MONSON. Will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Utah.

Mr. MONSON. I appreciate the gentleman yielding again. I just want to make a couple of more points.

The point the gentleman raised about the debt that will be incurred on people in this country, the children of this country, the \$10,000, \$15,000, \$20,000 possibility, that is going to be just paying the interest, and that is not paying the principal. That is going to pay the interest on the debt and we will not even make a dent in the principal amount.

Mr. GINGRICH. If I may correct you, I think the amount we have been talking about, which is \$1,600 per family increased debt, is literally just the amount that we have added with this one vote today, just for the next 30 days.

Mr. MONSON. I recognize that.

Mr. WALKER. If the gentleman will yield to me, the interest payments on that right now, the Federal Government is borrowing money at about 7 percent, so it would be about 7 percent of that \$1,600 is actually going to come out of the pockets of the families on a regular basis.

Mr. GINGRICH. That is about \$112 a year that they will pay every year from now on in interest.

Mr. MONSON. If the gentleman will continue to yield on that, what I am saying is, if we continue at the rate we are, \$15,000, \$20,000 is going to be the

interest rate annually that our children are going to owe this country.

Second, before I came to Congress, I watched many times votes taken similar to the one we took today extending the debt without ever dealing with it in a way that would solve this problem once and for all. We just continue merrily along our way passing these debt extensions, and we never do anything to solve it. Every time, just about, we have left with the promise that something is going to happen that will get us there. But when it comes right down to it, we never do it.

That is another reason I voted against it today. We cannot continue to go on like this. We have got to put the brakes on, and the Gramm-Mack proposal does that. We need to add a balanced budget amendment, in my belief, to make it more secure, and then I think we have accomplished something.

As I say, it has been tried in States similar to mine with similar proposals. I think it will work. But we will not ever know unless we try it.

Mr. GINGRICH. If I might comment briefly, first of all, the gentleman is right. There is almost a next-time mentality: next time we will somehow solve it, next time we will really solve it. I think this is our third or fourth run-up against the next-time opportunity. And I have to say to you that I am looking forward to seeing what gimmicks they come up with so that on Friday the 13th of December, there is another next time.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I am not sure what the end result of the extension that was passed in the House will really be, and I am not sure that anyone who voted for it knows the answer. I am not even sure that the committee that put it together knows the answer.

Let me just raise a couple of questions. The amount of money that we approved or that was approved today was \$80 billion, is that right?

Mr. WALKER. That is correct.

Mr. MACK. If I understand it, the target that has been established by the Democratic party for the deficit for 1986 is \$161 billion for this year. Is that correct?

Mr. GINGRICH. That is correct.

Mr. MACK. We were told that what we were voting on today was a 30-day extension—correct?

OK. Now it seems to me if you pass a debt extension of \$80 billion, what you have really done is you have passed a 6-month extension.

Mr. GINGRICH. Not the way we spend money.

Mr. MACK. That is a good response, but let me take you back to the mathematical position. That \$161 billion is

supposed to be the deficit for the year, and we approved the \$80 billion addition to the debt, which seems pretty straightforward to me that that is 6 months' worth of borrowing.

But the point I am trying to raise is that I do not think that December 13th is really a deadline. I think everyone has been fooled once again.

Mr. GINGRICH. Can I make a point to the gentleman? I do not want to offend him because he is a very dear friend. The gentleman happens to have been a banker. When you came to this building, you actually behaved as though numbers mattered, and actually read what the numbers were.

Now this is a building dominated by lawyers, and lawyers basically say to their staff, "What do I need?" And the staff writes in the numbers, and the lawyers make the fancy speeches that the gentleman from Utah is referring to that surround the numbers because the rules of the game of this building are that liberals say whatever it takes to get reelected, and vote for whatever it takes to pay to get their coalitions together to make sure that they get reelected with whatever they are saying, and that is the lawyer's game, you see. You have a problem as a man who has dealt with people's money and is concerned about their checking accounts, and has tried to make sure their savings account was actually good, who tried to loan money out that you are going to get back in. You are actually looking at the numbers that are involved in the U.S. Government.

Let me tell you, there is not a single liberal Democrat who seriously pays any attention to the numbers, because they figure there are just two versions: a whole lot more and somewhat more. And they know that in 30 days, they are going to come here for a debt limit that is probably a whole lot more, or they may come in for a debt limit that is somewhat more. It is the same thing we do with continuing resolutions. We get two sizes of continuing resolutions, we get the real big continuing resolution and the pretty big continuing resolution. The kinds of politicians running the liberal Democratic party could not care less what the actual numbers are.

I have to say to the gentleman that I know that it is puzzling to him, and I know that it seems strange when you are used to dealing in real numbers with people who live real lives outside of this city. But in this building, whatever set of fancied numbers of staff figures out yesterday, they will do until tomorrow, and then tomorrow you get the staff to work up a new set. It is an absolute tragic ripoff of the American people the way we mishandle this Government.

Mr. MACK. If I may, I realize, and I guess the message is—

Mr. GINGRICH. If you are going to insist on being clear one more time, go ahead.

Mr. MACK. I guess the message you have been giving me is that I have been duped once again.

Mr. GINGRICH. You are actually trying to do your job and you do not understand. That is not the purpose. The role you are supposed to play here is to sort of relax, and recognize when the time comes we are going to do exactly as the gentleman from Utah said, we are going to say, oh well, we will solve it next time.

Mr. MACK. If I could, the point I am trying to make is I am not sure that December 13 really is the next time. And again, let me expand a little bit further about the \$80 billion figure in this way: I asked the question today about whether if we took some of that \$80 billion and reinvested those dollars back into the Social Security Trust Fund, and the answer that I got was, yes, some of those dollars are going to go back into the Social Security Trust Fund. Then I ask the question whether part of the \$80 billion could be used to pay off the debt incurred by the Federal Financing Bank. If you remember, the Federal Financing Bank was the bank that was used when we thought we had the first deadline, and we all of a sudden found out there was this magical opportunity to get out from under the problem by using the \$15 billion credit line that the Federal Financing Bank had. And the answer from the gentleman from Missouri, I believe, was that he was not aware that there was any restriction to keep that \$15 billion from being paid off.

The point I am raising there is if you pay off the \$15 billion of the Federal financing credit line, that means you can come back in and use it at some later date.

The whole point I am trying to get to, and I will be quiet for a moment, is on December 13, I would not be real surprised to hear someone say, guess what, we have just discovered that we can use the Federal Financing Bank again, and therefore, we really do not have a problem. And that will get us to somewhere around January 1.

Then on January 1, probably we are not going to be here, and so what is going to happen? The Secretary of the Treasury is going to say once again, gee, I have no choice. You see, if I do not use the money that was reinvested back into the Social Security Trust Funds, those checks will not get paid and I am sure that you do not want that to happen.

So what appears to be on the surface, and I understand the remarks that I expect real numbers to mean real situations, that we are going to find ourselves well into January before there is the opportunity once again to come up with another extension.

Mr. GINGRICH. If I can build on that just for a second, let me just say to my friend that it is conceivable if the Treasury bureaucrats really work hard at it that they will be able to find not only ways to do what you suggested, but for example, that they could sell the gold supply. There is \$90 billion in gold which the U.S. Government owns which they could use to produce additional cash. And it is very interesting, and I think this is a point that I would hope the gentleman from Utah would feel free to make when he goes back home also, the temporary debt extension that we passed today does not include a prohibition against selling Social Security bonds.

Now the gentleman from Texas [Mr. ARCHER] has a bill in the House which I am cosponsoring which specifically provides not only for restituting all of the funds back to Social Security, but would specifically prohibit the Secretary of the Treasury from doing that again.

It is very interesting that after all of the screaming and yelling on the liberal Democratic side, nobody put in that debt limit today a prohibition against going back and doing precisely what the gentleman from Florida is suggesting.

Mr. WALKER. If the gentleman will yield, when that point came up on the floor, they said, well, that is another bill and we are going to take care of that. Maybe when we take care of Gramm-Mack, we will take care of that, and certainly that provision will be built in there. In other words, it is one more chance at that point to raise the Social Security issue in some other way, one more chance at phony numbers coming to the floor with some Social Security tied to it.

I think that it is clear that that is what they are attempting to do, and I thank the gentleman for yielding.

Mr. MONSON. If the gentleman will continue to yield further, I appreciate all that has been said here today. The gentleman from Florida made a good point, and the gentleman from Georgia about wanting to look at the numbers. As a CPA, I have found it very difficult to look at the numbers here because there are not very good numbers to look at. So if the gentleman from Florida has found a better way to do it, then I would certainly like to be educated by him in that.

□ 1720

Aside from that, I think the main point I wanted to make as I came over here to join in—

Mr. GINGRICH. I want to just break in for a second and make the point, for those who are interested in this dialog that none of the four of us are attorneys, and that is a very important underlying factor, I think, in how we approach this.

Mr. MONSON. Will the gentleman yield further?

Mr. GINGRICH. I will be glad to yield.

Mr. MONSON. The main point I wanted to make, Mr. Speaker, was that, and I made this point partially earlier; as I go home the people say they want something to happen. Once again, we have said we are going to wait. "We are going to wait, see what happens, we'll deal with it later."

I think it is time we started doing what the people who elected us want us to do and whether it is Republican or Democrat, they are telling me that they want to see a balanced budget; they want to see deficits eliminated, and I think that it is time that we get on with that program.

Mr. WALKER. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. WALKER. To build on the point that the gentleman from Utah [Mr. MONSON] has just made, what would the gentleman suppose would be the response of the American people if you asked them about last week's vote, whether or not they felt that the taxes or the debt burden on the American people should be raised by another \$340 per family with no guarantee we were going to do anything to control debt attached to the proposal.

What do you suppose the American people would say to a question asking them whether or not Congress should do that?

Mr. GINGRICH. My guess is that overwhelmingly the American people would rather have a fight and get it over with and start cleaning up the spending.

Mr. WALKER. If the gentleman will yield further, if we ask them about today's vote, whether or not the debt burden on the American people should be increased by \$1,600, with no guarantee that we were going to do anything to control deficits in the future, what do you suppose the response of the American people would be to that?

Mr. GINGRICH. I think they would very strongly like us to act now to control spending, because the American people are a little bit jaded by the frequency with which politicians say to them, "Oh, next time, we'll take care of it. Trust us a little while longer."

Mr. WALKER. If the gentleman will yield further, my guess is that he would probably get 80 to 90 percent of the American people that would say that rather than piling debt on me, do something to get your house in order.

I think they would also say that the time has come. "You guys have been talking about this Gramm-Rudman proposal. The time has come to do something about it; quit talking about it; quit breaking up into little meetings; quit demagoging it and so on, do something. You have now had 4 or 5

weeks, and surely in 4 or 5 weeks you can understand what it is you are going to do," and that by 80 or 90 percent of the American people, they would be willing to have us move ahead in that regard.

The point being that the gentleman from Utah [Mr. MONSON] is absolutely right. The American people are very clear in what they want. They have said not just in the last few weeks, they have said now for years they want something done toward a balanced budget. This is an opportunity, that we have got to move in that direction; and yet we are trying to find ways in this town to avoid that particular issue. We have tried to avoid the balanced budget amendment in the Constitution now for years, and we are back to the same old game.

With regard to raising the debt ceiling, I would guess that on nearly any way you pose the question to the American people about raising the debt limit of this country without doing something to control spending and control future deficits, the American people would be against it and yet we are proceeding ahead to try to find vehicles to raise the debt despite the wishes of the American people.

I think that it is high time that we do begin to listen to the folks at home who are sending a very clear message here. The only problem is that too many people in this place do not want to listen.

Mr. DORGAN of North Dakota. Will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. DORGAN of North Dakota. I thank the gentleman for yielding to me. I am wondering, since we are talking about Gramm-Rudman and Federal deficits, and since all of us share the same goal but a substantially different vision of how we reach that goal, do you gentlemen, and particularly the gentleman from George [Mr. GINGRICH] who is in the well, agree with what I have heard the President say about Gramm-Rudman, that we should go ahead and pass Gramm-Rudman; we will move toward a balanced budget, but he will still get his increases in defense in the two out-years.

Mr. GINGRICH. Reclaiming my time, in my judgment, whether we pass Gramm-Rudman or not, the President is not going to get his increases in defense in the outyears unless the Russians do something as insane as invade Pakistan.

Mr. DORGAN of North Dakota. If the gentleman will yield further, as I understand it, just this morning the President reiterated to a group of Members of Congress at the White House that he fully expected that within Gramm-Rudman he was going

to get his increases in defense spending in two of the three years.

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. If that is the President's view of Gramm-Rudman, is that a different view of Gramm-Rudman than yours?

Mr. GINGRICH. If that is the President's view of Gramm-Rudman, I would say it is a sign of how much he must have been studying for Gorbachev in Geneva.

Mr. DORGAN of North Dakota. And not studying Gramm-Rudman?

Mr. GINGRICH. I think that is correct.

Mr. MACK. If the gentleman will yield to me, if I could build on that. There are different aspects of the proposal. One of the aspects allows, as the gentleman knows, I am sure, that both the President and the House and the Senate have the opportunity under the proposal to offer their own budgets.

The President clearly, I think, is saying that he intends to offer a budget that includes the 033 in it. That is not precluded, as far as the Gramm-Rudman proposal is concerned.

Mr. DORGAN of North Dakota. If the gentleman will yield, no, it seems to me you have got to have been playing with coloring books rather than reading real books if you really believe that we can pass Gramm-Rudman, have no additional revenues, and have increases in defense spending. That is patently absurd.

Mr. GINGRICH. Reclaiming my time, Mr. Speaker, let me commend the gentleman from North Dakota, because I happen to think the gentleman is putting his finger on one of the major weaknesses of where we are at right now; that the Secretary of Defense and his team in the Pentagon right now ought to be looking at a 5-year plan that takes a projected Gramm-Rudman level of expenditure, and ought to be asking themselves the question: What do you have to ask the Congress to do? Do you have to go to multiyear procurement to bring down the cost of tanks and airplanes? Do you have to close some bases? What do you have to do to give America the defense it needs for a reasonable dollar?

I will tell the gentleman, I have been looking at Churchill, in the fifties; when he was Prime Minister he cut defense spending in Britain because as a conservative, he was worried about the British economy. You go back and you look at Eisenhower; he was very tough on the Pentagon, because as a President who had both been a general and understood the importance of the economy and was opposed to raising taxes, he was concerned about spending.

I think it is not illegitimate for you to say that there has been a certain

amount of disingenuousness at times and interpretations.

Mr. DORGAN of North Dakota. If the gentleman will yield further, let me say this: If in the determination of the best minds in this country we feel that we need \$50 billion, \$80 billion more in defense spending in the next 3 or 4 years, do you believe as I believe that we ought to, if we embark on that kind of additional spending for defense, ask the American people to pay \$50 to \$80 billion in additional taxes?

It seems to me that one of our difficulties is, we say we want this increase in spending, whether it be the domestic side or the military side, and incidentally, the biggest increases in the last 5 years have come on the military side; we say we want that spending but we do not have the guts to tell you that you are going to have to pay for it. We are going to charge it someplace.

Mr. GINGRICH. Yes.

Mr. DORGAN of North Dakota. I understand what the gentleman says about Congress; you bet, we are not very responsible down here. Unfortunately, our greatest irresponsibility in my judgment is that we follow the leadership. If the President says, "I want a big deficit" we say, "Oh, OK. We'll give you a big deficit; we'll quibble a few billion on either side"—last year we gave him pretty much what he wanted, this year we gave him pretty much what he wanted. We both; they, the White House and the Congress cooked the numbers both times.

We have been guilty of following that kind of leadership, and it has led us in the wrong direction.

Mr. GINGRICH. Reclaiming my time, I think it is fair to say on a bipartisan basis, and we were talking about this before the gentleman came into the Chamber; that there is a "next time" phenomenon in this city that sort of wishes away whatever it does not want to deal with.

Part of the reason we got together this afternoon to talk about this is that I think, as I understand it, and the gentleman from Florida [Mr. Mack] may want to clarify it since he helped develop it; that the Gramm-Mack proposal is very explicit in how it would deal with the failure by the President and the Congress to reach an agreement.

I am not willing to vote for Gramm-Mack as reinterpreted by Weinberger, or Gramm-Mack as reinterpreted by anybody else. I am willing to vote for Gramm-Mack as it is written, and I think that is a pretty tough document, with whatever technical modifications are currently in the works; that something like that is a very tough formulation that says: "If you guys can't get your act together, the House, the other body, the President, then here is a system—which is not a fancy system;

it is not a pretty system; it is not what we could probably invent if we could all get just the five of us together—but here is a system that, by George, drives us toward a balanced budget."

Would you just comment on that?

Mr. MACK. Well, very simply, the point is that it does not protect defense. It was never designed to protect defense; the defense numbers are left in there; it is something that will get at defense.

In fact, Mr. Speaker, I think the lowest estimate that anybody has made is that a sequester of roughly \$20 to \$25 billion would see that the Defense Department actually has, minimum, 45 percent of the dollars that would be reduced would come out of defense.

I do not think that that is a system that has been designed, then, to protect the defense expenditure.

Mr. GINGRICH. Let me just ask the gentleman one question. As we had talked earlier, and the gentleman represents a very important farming State and one which has experienced all of the pain of the agricultural crisis.

We were commenting on the fact, Mr. Speaker, that if we were to adopt and the country were to believe it was real; if we really passed a bill and the President signed it; a clear 5-year tract to a balanced budget, that chairman Volker of the Federal Reserve Board had said at one point that, for about every \$50 billion in deficit shrinkage he thinks there is a 1 percentage point drop as sort of a rule of thumb.

Would that not in fact be a pretty dramatic improvement over a 5-year period in the economic future of family farms in North Dakota and in the whole Wheat Belt?

Mr. DORGAN of North Dakota. If the gentleman will yield to me, there is no question that if we were serious about really solving this deficit problem, and passed some formula or some approach that moved in that direction, it would help in interest rates; it would help my constituents and yours.

The question that I have, and I think the place where we differ is not on goal, it is on method. We spend, on budget authority now, about \$300 billion on defense, \$200 billion on Social Security, \$145 billion interest on the debt. Add that up, that is nearly \$650 billion.

□ 1730

You have another \$80 billion on Medicare, so you are at about \$730 billion. Now, those are the big parts. Now, where are you going to cut in those areas? Do you believe \$300 billion is too much for defense? If so, how much should we reduce it? How about Medicare?

When we finally come to the issue of where we solve this problem, where do

we make the cuts, where do you come down on those issues?

Mr. GINGRICH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think we always get into that kind of argument. The point is, the gentleman talked a few minutes ago about whether or not if we decided the priority was to raise defense spending by \$50 to \$80 billion, whether we should not raise taxes. The fact is, growth is producing increases in revenues. Over the next 5 years, if we grow at anywhere close to the rate we grew in the past year, we are going to have \$300 to \$400 billion worth of additional revenue coming in to the Federal Government. The question that we have got in order to meet the demands of Gramm-Mack is, are we going to prioritize that additional revenue coming in? We do not have to cut Social Security, we do not have to cut Medicare, we do not have to cut defense. What we have to do is begin a reallocation of it. We have to take where we are right now, begin to freeze some things at that level, but also then reallocating expenses.

I happen to think that defense is an important priority. You can, in fact, go find in new growth revenues some room to allocate some additional money to defense.

I also agree with the gentleman from Georgia. We can massively reform defense in order to get at some of that money. We can massively reform some things in Social Security. Your party comes out here and talks about defense all the time and treats Social Security as though there are no reforms there. Yet there are millionaires who are getting very, very large payments from Social Security every month. Now, is that right? We hear complaints about the tax system in this House, about the fact that millionaires get tax breaks. Yet we pay out in Social Security benefits billions of dollars every year to people who have very, very high incomes. And we do not do anything about reforming that system.

I thank the gentleman for yielding.

Mr. GINGRICH. I want to follow up on a point, and that is, my position, I guess, is one of very severe reform. I would say to you, yes, if we are spending \$300 billion a year in defense approximately this year, and that means over the next 5 years, and I think you could hold it fairly close to even, but over the next 5 years we could say to the Pentagon, "You are going to spend \$1,500,000,000,000, no increase." If they come back and say they cannot defend the country for \$1,500,000,000,000, I would get a new team.

Take Medicare, if we had 5 years at a flat \$80 billion a year and we said to this country: "Can we take care of our parents, our grandparents, and sick Americans for \$400 billion?" and we

cannot find an answer, then we need a whole new lot of hospital directors, we need a whole new lot of medical societies. I think the fact is that our generation is in a crisis. We are either going to turn to the country at large and get everybody involved in solving this crisis or we are all going to resemble North Dakota farmers.

Mr. DORGAN of North Dakota. If the gentleman will yield, I respect your opinions here, but the difficulty is, if we really believe that we are going to grow our way out of this mess on the revenue side, then we are going to be here 5 years from now wondering what we are going to do about the deficit.

Now, let me say this, if the gentleman will let me finish my statement: We now collect revenues at about 19 percent of GNP. That has been fairly constant as a percent of GNP.

For years we have been hearing this growth stuff. That is wishbone economics. It is not going to happen. We are not going to close the gap between revenues and spending simply by wishing for growth. What I am asking is, on the spending side, where are we going to make those cuts to come down off the 24 percent? Because I assume the gentleman does not believe we are going to get 24 percent in revenues.

Mr. GINGRICH. The gentleman is not hearing me.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. The evidence is there. The liberals in this body want to ignore it, but last year revenues into this Government grew by 10.1 percent. That is \$65 billion to \$75 billion of new revenues we collected. The problem was not that we did not have new revenues coming in, the fact is, we were spending it more.

We spent at a rate of 11.4 percent. We increased spending. If, in fact, we had held spending relatively constant, we would have had growth revenues.

You cannot get growth revenues if you spend it away plus some. That is the point. It is the spending machine that is out of order, not the revenue machine. There is growth revenue coming in to the Federal Government, except that we are spending it away.

Mr. GINGRICH. I would say to the gentleman first of all I would accept cuts, if necessary, including defense; I would accept cuts in domestic discretionary; I would accept looking at every part of Medicare. Yes, I think this country is in a real long-term crisis, and we are not going to solve it by playing games. But I do think the gentleman ought to look at the fact that if you simply held even for 5 years in growth spending, and assume you had economic growth, and assume that interest rates came down, which I think is the other component, because interest rates, as you point out, is the

third highest expenditure in the budget; the effect of that would be that you would have grown into the balance by curtailing spending.

Mr. DORGAN of North Dakota. What I am saying is very precise. What I am saying is that spending has risen to 24 percent of GNP, revenue has stayed constant at about 19 percent. That 5 percent gap represents the deficit. The President says, "I expect to see an increase in spending in the biggest part of the Federal budget." That is what he says.

Mr. GINGRICH. But he is not going to get it, he is not going to get it.

Now, I will say to the gentleman, I think you will agree with this: If the four of us, given our position in the Republican Party and our value system, the degree to which we are conservatives, if we say to you that we do not think the President is going to get a big increase in defense, I think the gentleman will agree that there "ain't" much of a base in the House for an increase in defense.

Mr. DORGAN of North Dakota. With due respect to my friend, let me say that you are not leading. The President is the leader in this town. The leadership that comes from the President is critical in determining whether or not we reach our expectations in the Congress.

Mr. GINGRICH. Let me reclaim my time.

Now, come on, the gentleman knows full well under the Constitution, if the House does not approve it, it cannot be spent. He can make speeches all year; if we do not vote through the money, he cannot spend it.

Mr. DORGAN of North Dakota. With due respect, the gentleman understands there are three steps in that process. First, it is recommended by the President; second, it is appropriated by the Congress; and third, it is either signed or vetoed by the President. Please do not suggest that only the dollars that originate here or in an appropriation bill is the only way that those dollars get spent. The President is an active part of that process. I am saying without his leadership we will not solve that problem. That is all I am trying to say.

Mr. GINGRICH. I yield to the gentleman.

Mr. WALKER. If the gentleman is correct, then, it seems to me that we should have enacted a 13-percent increase in defense because that is what the President asked for originally in the budget this year. The fact is, we came out with zero. The fact is, we did not lower spending in the Federal Government. The gentleman is precisely correct in what he said before, that Congress shifts around the numbers. So we took all of the savings that we made in defense that we have been hearing so much about out here, and

we transferred them off to other spending programs. But the President's original proposal up here was a 13-percent increase in defense this year. He did not get it. He is not going to get it next year either.

I thank the gentleman for yielding.

Mr. MACK. If the gentleman will yield, I think it is only fair, because I think the response you have gotten from us ought to be pretty clear about our position as to defense spending. If the gentleman is really interested in that, he can go back and take a look at the voting record. He will find that at least in this gentleman's case he put his vote where his mouth is. OK?

The second point I would like to raise with the gentleman is, it is clear defense is not the only area where we spend money. I would challenge you, as you challenged us, to get your party to find ways to reform Social Security. As the gentleman has indicated, and let me finish now, the second thing I would say is, were you willing to make the tough votes to cut out some of the programs that were proposed to be cut out?

Mr. DORGAN of North Dakota. Is that a question?

Mr. MACK. That is a question.

Mr. DORGAN of North Dakota. Let me respond, because the gentleman says, "Let's reform Social Security." I say if you reform Social Security, are you going to take dedicated Social Security tax revenue and use it to build more MX's and XM1 tanks? because that is the proposal. I say this: If you get additional revenue from Social Security, you cannot use it to replace else because it is a dedicated revenue. The President was right about that.

Mr. MACK. You are the one who said that. We never said that.

Mr. DORGAN of North Dakota. The gentleman from Pennsylvania talked about getting money from Social Security.

Mr. WALKER. No; if the gentleman would yield to me, what I would suggest is, we could save big money in Social Security if we had a flat and fair COLA. Instead of giving 3 percent to people who are getting \$2,000 a month out of Social Security and giving the same 3 percent to somebody who is getting \$300 a month, we should have a flat and fair COLA. That would be a way of dealing with millionaires at one end of the scale and dealing with people at the other end, low-income people, and also saving billions of dollars. That would be a reasonable proposal. I have not heard anybody on your side suggest you are willing to go to a flat and fair COLA in Social Security. That is the kind of reform that I am talking about.

Mr. DORGAN of North Dakota. Does the gentleman agree with President Reagan that that would do nothing for the deficit if you make those

changes? Because the Social Security money comes from a dedicated tax that cannot be used for anything else, and in fact should be outside of the unified budget, in any event.

Mr. WALKER. If the gentleman will yield to me, it was the Democratic Party back in 1967 that included the budget in Social Security.

Mr. DORGAN of North Dakota. Nineteen sixty-nine.

Mr. WALKER. No, it was not. Well, it was proposed in 1967, went into effect in 1968, and it was done in order to try to jiggle around the budget for Vietnam war purposes. We are in the process right now of phasing it back out of the general revenue budget. So that is, in fact, the case.

What I am saying to you is, as long as you want to use the figures, you used the Social Security figures first in comparison with defense; I am simply saying to you that there are reforms in Social Security that could also be made that would ultimately shore up the Social Security system pretty well and would serve the taxpayers of this country very well.

Mr. GINGRICH. Let me say in closing I think all five of us, on a bipartisan basis, have proven that had we been forced to stay here, there is the potential to in fact pass some kind of fundamental spending cut pattern and to begin to move toward a balanced budget. I think the five of us proved on a bipartisan basis that if we had been forced to do it we probably could have done it.

I thank the Speaker.

OVERVALUED DOLLAR AND ITS HARMFUL CONSEQUENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, today I had the privilege of addressing the Congressional Summit on Exchange Rates and the Dollar at the National Academy of Sciences. I congratulate the participants at the conference for demonstrating that the overvalued U.S. dollar has been recognized at long last as a serious threat to the economic well-being of the United States and the world.

We can no longer ignore the problem of the dollar. The overvalued dollar has four harmful consequences:

First, it raises a barrier to the export of U.S. products;

Second, it subsidizes the import of foreign products;

Third, it destroys American jobs, American businesses and American industries; and

Fourth, it destabilizes the governments and economies of debt-ridden Third World countries.

There are three courses of action we can take to solve the dollar problem. The first is protection. We can erect trade barriers to

keep foreign goods out of U.S. markets. However, protection is no real solution. The lesson of the 1920's and 1930's, is that high tariffs create conflict among nations that hurt all of us and leave the underlying problems unresolved. Moreover, history shows us that nations make more progress through trade rather than through conflict.

The second is intervention. We can intervene in the international currency markets to bring down the dollar to a level where it is competitive with other currencies. However, intervention is only a limited tool. The actions of one country have only short-term results. Moreover, as with protection, it does not solve the underlying causes of the dollar's problem.

The third course is an international agreement. This is where we must focus our efforts. The major contribution of the congressional summit has been to demonstrate the necessity of this approach. If all the nations of the world are to trade with each other, as they must, then monetary stability is required. This can only be achieved through an international accord that stabilizes the exchange rates of world currencies and restores a sense of certainty that is required for long-term, broad-based economic expansion.

Reaching an agreement is easier said than done. A vehicle is required that moves the United States and the world's other trading nations toward an accord. I want to take the opportunity to suggest a mechanism to move in the direction of an accord.

The idea is for the world's nations to establish currency valuation boards to address the question of the real value of each of the nation's currency. This is one way for all of the nations to deal with the critical problem of monetary stability.

As a first step, I suggest that the United States establish its own Dollar Valuation Board to work with the Federal Reserve to ascertain the "real" value of the dollar. In doing this, the underlying competitiveness of the U.S. economy must be considered.

The establishment of the Dollar Valuation Board would be the first step in achieving an international agreement or treaty to mutually determine the relative real value of each participating nation's currency and thus avoid radical and unreasonable shifts in any currency's value.

The Board would serve three major functions:

First, it would be responsible for determining daily the "real" value of the dollar with respect to the other trading nations. These findings would be released to the President, Congress, the Treasury Department, the Federal Reserve Board, the International Monetary fund, and the general public.

Second, in addition, it would make recommendations for short-term and long-term monetary policy that would encourage the realignment of the dollar to fall within the target zone. These recommendations would be presented to the President, Congress, the Federal Reserve Board, and other relevant Government agencies.

Third, it would also present an agenda to the President for international economic conferences so that the United States can work with our trading partners to establish realistic currency values. Included in this agenda should be the recommendation to each trading partner, starting with the G-5 countries, to establish their own currency valuation boards to assist their central banks. The cooperation of these boards would constitute an integral part of an international effort to achieve and maintain currencies of trading nations within target zones that represented their true competitive values.

This is one approach to dealing with the problem of the overvalued dollar. I welcome other proposals. This is the only way that we can assure the debate that will allow us to resolve the dollar problem and achieve the monetary stability required for the healthy United States and world economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCKINNEY (at the request of Mr. MICHEL), for today, on account of illness.

Mr. CAMPBELL (at the request of Mr. MICHEL), for today until 12:30 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. VUCANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. HARTNETT, for 5 minutes, today.

Mr. LUNGREN, for 60 minutes, November 19.

Mr. LUNGREN, for 60 minutes, November 21.

Mr. LUNGREN, for 60 minutes, November 22.

Mrs. BENTLEY, for 10 minutes, November 20.

Mr. GINGRICH, for 60 minutes, today.

(The following Members (at the request of Mr. DONNELLY) to revise and extend their remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, November 14.

Mr. DONNELLY, for 30 minutes, November 14.

(The following Member (at the request of Mr. SKELTON) to revise and extend his remarks and include extraneous material:)

Mr. ALEXANDER, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PASHAYAN, prior to the vote on H.R. 3038, today.

Mr. BONKER, prior to the vote on H.R. 6, in the Committee of the Whole, today.

Mr. SLATTERY, prior to the vote on H.R. 6, in the Committee of the Whole, today.

Mr. FOLEY of Washington, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost \$2,188.75.

(The following Members (at the request of Mrs. VUCANOVICH) and to include extraneous matter:)

Mr. RITTER.

Mr. MOORHEAD.

Mr. LIGHTFOOT.

Mr. HENRY.

Mr. WORTLEY in two instances.

Mrs. BENTLEY.

Mr. VANDER JAGT in three instances.

Mr. DANNEMEYER.

Mr. GINGRICH.

Mr. WEBER in two instances.

Mr. GILMAN in two instances.

Mr. COURTER in two instances.

(The following Members (at the request of Mr. DONNELLY) and to include extraneous matter:)

Mr. HOYER in two instances.

Mr. LEVINE of California.

Mr. FASCELL.

Mr. APLEGATE.

Mr. MORRISON of Connecticut in two instances.

Mr. MOAKLEY in two instances.

Mr. STOKES in two instances.

Mr. RAHALL.

Mr. EDWARDS of California.

Mr. STARK.

Mr. PANETTA in two instances.

Mr. COELHO.

Mr. MATSUI.

Mr. MURTHA.

Mr. SMITH of Florida in two instances.

Mr. FASCELL in three instances.

Mr. DYMALLY.

Mr. GARCIA.

Mr. WOLFE.

Mr. MILLER of California.

Mr. LEHMAN of Florida.

Mr. SOLARZ.

Mr. DYSON in two instances.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 80. Concurrent resolution to authorize the printing of 2,000 additional copies of the committee print of the Committee on Armed Services (99th Congress, 1st session) entitled "Defense Organization: The Need for Change"; to the Committee on House Administration.

S. Con. Res. 84. Concurrent resolution to authorize the temporary placement of a bust of the late Dr. Martin Luther King, Jr., in the rotunda of the Capitol for dedication ceremonies, and for other purposes; to the committee on House Administration.

S. Con. Res. 85. Concurrent resolution to authorize the compilation and printing of the bicentennial edition of the biographical directory of the United States Congress, to the Committee on House Administration.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3038. An act making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1986, and for other purposes, and

H.J. Res. 441. Joint resolution making further continuing appropriations for the fiscal year 1986.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 228. Joint resolution relating to the proposed sales of arms to Jordan.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a bill of the House of the following title:

On November 12, 1985:

H.R. 1210. An act to authorize appropriations to the National Science Foundation for the fiscal year 1986, and for other purposes.

ADJOURNMENT

Mr. LEVIN of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Thursday, November 14, 1985, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2248. A communication from the Director, Office of Management and Budget, transmitting a cumulative report on rescissions

and deferrals of budget authority, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 99-126); to the Committee on Appropriations and ordered to be printed.

2249. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among school programs for educationally deprived children, to increase private sector involvement in providing educational programs for educationally deprived children, and for other purposes; to the Committee on Education and Labor.

2250. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of a proposed license for the export and production of defense articles and defense services to Egypt valued at \$50 million or more, pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2251. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting the report of political contributions for Rockwell A. Schnabel, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2252. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a list of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL. Committee on Interior and Insular Affairs. H.J. Res. 382. A resolution to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project with an amendment (Rept. 99-370). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL. Committee on Interior and Insular Affairs. H.R. 3372. A bill to grant the consent of the Congress to the Northeast Interstate Low-Level Radioactive Waste Management Compact (Rept. 99-371, Pt. 1). Ordered to be printed.

Mr. DELLUMS. Committee on District of Columbia. H.R. 3718. A bill to waive the period of Congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds (Rept. 99-372). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROWLAND of Connecticut:

H.R. 3742. A bill to amend title 11 of the United States Code to make nondischargea-

ble any debt arising from a judgment or consent decree requiring an individual debtor to make restitution as a result of the commission of a crime by the debtor; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 3743. A bill to provide for the establishment by law of the goals for the National Defense Stockpile, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 3744. A bill to amend the Social Security Act to ensure the fiscal integrity of the Social Security Trust Funds; to the Committee on Ways and Means.

By Mr. COELHO:

H.R. 3745. A bill to delegate authority to the States to regulate and tax gambling activities on Indian reservations or trust land; to the Committee on Interior and Insular Affairs.

By Mr. DANNEMEYER:

H.R. 3746. A bill to amend the Internal Revenue Code of 1954 to regulate and limit collection procedures of the Internal Revenue Service in order to provide protection of taxpayer civil rights, and for other purposes; to the Committee on Ways and Means.

By Mr. DASCHLE (for himself, Mr. EDGAR, Mr. McEWEN, Mr. EVANS of Illinois, Ms. KAPTUR, Mr. BRYANT, Mr. FLORIO, and Mr. GRAY of Illinois):

H.R. 3747. A bill to amend chapter 30 of title 38, United States Code, to provide for educational assistance for apprenticeship or other onjob training under the All-Volunteer Force Educational Assistance Program; to the Committee on Veterans' Affairs.

By Mr. FRANK:

H.R. 3748. A bill to establish a sanitation occupational health and safety standard with respect to agricultural employees engaged in hand-labor operations in the field; to the Committee on Education and Labor.

By Mr. GARCIA (for himself, Mr. DE LA GARZA, Mr. GINGRICH, Mr. BARNES, Mr. GONZALEZ, Mr. MITCHELL, Mr. NEAL, Mr. TOWNS, and Mr. RANGEL):

H.R. 3749. A bill to amend the Internal Revenue Code of 1954 to allow deductions from gross income for contributions to education savings accounts; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself, Mr. MCCAIN, Mr. HUCKABY, Mr. DENNY SMITH, Mr. COELHO, Mr. WEAVER, Mr. SWIFT, Mr. THOMAS of California, Mr. UDALL, Mr. MURPHY, Mr. KOSTMAYER, Mr. VENTO, Mr. YOUNG of Alaska, Mr. SEIBERLING, Mr. MILLER of California, Mr. MARKEY, Mr. RICHARDSON, Mrs. VUCANOVICH, Mr. LAGOMARSINO, Mr. ANNUNZIO, Ms. OAKAR, Mr. JONES of Tennessee, Mr. ALEXANDER, and Mr. LEVINE of California):

H.R. 3750. A bill to amend the Act establishing the United States Holocaust Memorial Council; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H.R. 3751. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the label or labeling of a food state the specific common or usual name and the amount of each fat or oil contained in the food, the amount of saturated, polyunsaturated, and monounsaturated fats contained in the food, the amount of cholesterol contained in the food, and the amount of sodium and potassium contained in the food; to the Committee on Energy and Commerce.

By Mr. RICHARDSON:

H.R. 3752. A bill to establish a commission to regulate Indian gaming, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHAW:

H.R. 3753. A bill to amend title 31, United States Code, to increase the liability of any person who violates section 3729 of such title (relating to false claims) to three times, rather than two times, the amount of damages the U.S. Government sustains as a result of such violation; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 3754. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to reimburse eligible veterans for additional kinds of emergency health care provided in non-Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. EDWARDS of California:

H.R. 3755. A bill to prohibit the incarceration of innocent children of persons held for deportation in a place separate from their parents or in places where criminals or juvenile delinquents are incarcerated; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 3756. A bill to limit the civil liability of certain persons associated with nonprofit sports programs; to the Committee on the Judiciary.

By Mr. PANETTA:

H. Res. 320. Resolution providing for one additional position on the Capitol Police for duty under the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

281. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to nuclear arsenals; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. PORTER.

H.R. 239: Mrs. VUCANOVICH.

H.R. 442: Mr. JACOBS.

H.R. 555: Mr. ROE, Mr. KOLTER, Mr. MOORE, Mr. LIGHTFOOT, Mr. SMITH of New Hampshire, Mr. MCCOLLUM, Mr. HENRY, Mr. BURTON of Indiana, Mr. KEMP, Mr. WOLF, and Mrs. SMITH of Nebraska.

H.R. 669: Ms. OAKAR, Mr. GILMAN, Mr. JENKINS, and Mr. FLIPPO.

H.R. 864: Mr. ROEMER.

H.R. 979: Mr. BUSTAMANTE and Mr. RIDGE.

H.R. 1197: Mr. FUSTER and Mr. EVANS of Illinois.

H.R. 1268: Mr. PRICE, Mrs. BENTLEY, and Mr. EDWARDS of Oklahoma.

H.R. 1272: Mr. ATKINS, Mr. HUTTO, and Mr. BIAGGI.

H.R. 1436: Mr. ENGLISH and Mr. JONES of North Carolina.

H.R. 1458: Mr. GUARINI and Mr. MANTON.

H.R. 1479: Mr. SUNIA and Mr. GONZALEZ.

H.R. 2189: Mr. GILMAN.

H.R. 2280: Mr. HOYER.

H.R. 2295: Mr. McGRATH.

H.R. 2535: Mr. NIELSON of Utah, Mr. CLINGER, Mr. SUNIA, Mr. HAYES, Mr. PENNY,

Mrs. SCHNEIDER, Mrs. JOHNSON, and Mr. JEFFORDS.

H.R. 2582: Mr. HOWARD, Mr. DURBIN, Mr. TRAFICANT, and Mr. MATSUI.

H.R. 2741: Mr. ANDERSON, Mr. McEWEN, and Mr. ADDABBO.

H.R. 2854: Mr. SAXTON.

H.R. 2897: Mr. SMITH of New Hampshire, Mr. YOUNG of Alaska, and Mr. SWINDALL.

H.R. 3041: Mr. JONES of Oklahoma, Mr. MACK, Mr. SYNAR, Mr. WHEAT, Mr. DWYER of New Jersey, Mr. EARLY, and Mr. BROOKS.

H.R. 3263: Mr. JEFFORDS and Mr. RICHARDSON.

H.R. 3305: Ms. KAPTUR and Ms. MIKULSKI.

H.R. 3371: Mr. NIELSON of Utah.

H.R. 3373: Ms. MIKULSKI, Mr. FAUNTROY, Mr. WEISS, and Mr. WEAVER.

H.R. 3436: Mr. BIAGGI, Mr. FISH, Mr. SUNIA, Mr. MINETA, and Mr. HYDE.

H.R. 3460: Mr. RUDD.

H.R. 3470: Mr. SMITH of New Hampshire, Mr. SWIFT, Mr. McHUGH, Mr. MADIGAN, Mrs. VUCANOVICH, Mr. CARNEY, Mr. TALLON, Mr. OBERSTAR, Mr. DELLUMS, Mr. WORTLEY, Mr. ROWLAND of Connecticut, Mr. SCHULZE, Mr. HENDON, Mr. BONIOR of Michigan, Mr. McEWEN, Mr. LELAND, Mr. MURPHY, Mr. SAXTON, Mr. ROBINSON, Mr. ANDERSON, Mr. HENRY, Mr. MORRISON of Washington, Mr. DIOGUARDI, and Mr. FORD of Michigan.

H.R. 3482: Mr. DYMALLY, Mr. FOGLIETTA, Mr. LELAND, Mr. DELLUMS, Mr. HAWKINS, Mr. ADDABBO, Mr. SAVAGE, Mr. CONYERS, Mrs. COLLINS, Mr. CROCKETT, Mr. RANGEL, Mr. BARNES, Mr. DIXON, Mr. OWENS, and Mr. ORTIZ.

H.R. 3502: Mr. WEISS, Mr. BEVILL, Ms. KAPTUR, Mr. MATSUI, and Mr. STAGGERS.

H.R. 3537: Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Mr. STUDDS, and Ms. MIKULSKI.

H.R. 3564: Mr. MILLER of Washington, Mr. MAVROULES, Mr. NEAL, and Ms. SNOWE.

H.R. 3567: Mr. McGRATH, Mr. MARTINEZ, Mr. BARNES, Mr. BIAGGI, Mr. DE LUGO, Mr. CONYERS, and Mr. BUSTAMANTE.

H.R. 3583: Mr. GINGRICH, Mr. CHAPMAN, Mr. DeWINE, Mr. EDWARDS of Oklahoma, and Mr. DARDEN.

H.R. 3626: Mr. NEAL.

H.R. 3630: Mr. ROE, Mr. FUSTER, Mr. SEIBERLING, Mr. WEISS, Mr. CONYERS, and Mr. BORSKI.

H.R. 3660: Mr. NOWAK, Mr. ANDERSON, Mr. SABO, Mr. RAHALL, Mr. KLECZKA, Mr. ST GERMAIN, Mr. SCHUEER, Mr. DASCHLE, Mr. BOEHLERT, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. CARR, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. KOLTER, and Mr. MILLER of California.

H.R. 3661: Mr. BEVILL, Mr. BIAGGI, Mr. BROWN of California, Mr. DARDEN, Mr. FAZIO, Mr. LEVINE of California, Mr. MARKEY, Ms. MIKULSKI, Mr. MURPHY, Mr. SMITH of Florida, Mr. STALLINGS, Mr. TALLON, Mr. VALENTINE, Mr. WILSON, Mr. BLILEY, Mr. BURTON of Indiana, Mr. GINGRICH, Mr. LAGOMARSINO, Mr. MONSON, and Mr. PORTER.

H.R. 3667: Mr. CARPER.

H.R. 3688: Mr. SMITH of New Hampshire, Mr. McMILLAN, Mr. RINALDO, Mr. LIGHTFOOT, Mrs. JOHNSON, Mr. GREGG, Mr. FAWELL, Mr. QUILLLEN, Mr. MOORE, Mr. LAGOMARSINO, Mr. GRADISON, Mr. LOEFFLER, Mr. GALLO, Mr. STRANG, Mr. SCHUETTE, Mr. ARMEY, Mr. MONSON, Mr. MILLER of Washington, Mr. WORTLEY, Mr. VANDER JAGT, and Mr. SCHULZE.

H.R. 3706: Mr. RANGEL.

H.R. 3713: Mr. LEWIS of Florida.

H.J. Res. 49: Mr. SWEENEY.

H.J. Res. 94: Mr. KLECZKA, Mr. SUNDQUIST, and Mr. SOLOMON.

H.J. Res. 266: Mr. LaFALCE, Mr. CAMPBELL, Mr. GORDON, Ms. SNOWE, Mr. DUNCAN, Mr. COOPER, Mr. BEVILL, Mr. DASCHLE, Mr. PERKINS, Mr. ECKERT of New York, Mr. LEACH of Iowa, Mr. KOLTER, Mr. NEAL, Mr. DE LA GARZA, Mr. ROE, Mr. MATSUI, Mr. BORSKI, Mr. DORNAN of California, Mr. YATRON, Mr. EDGAR, Mr. MOORHEAD, Mr. HARTNETT, and Mr. KRAMER.

H.J. Res. 347: Mr. RALPH M. HALL, Mr. LANTOS, Mr. LEACH of Iowa, Mr. DYMALLY, Mr. LUKE, Mr. LOWRY of Washington, Mr. MOAKLEY, Mr. MURPHY, Mr. PRICE, Mr. RINALDO, Mr. HUCKABY, Mr. WYDEN, Mr. TORRICELLI, Mr. WEBER, Mr. ECKERT of New York, Mr. BUSTAMANTE, Mr. SABO, Mr. ROWLAND of Georgia, Mr. CHAPPIE, Mr. CONTE, Mr. DANIEL, Mr. McCLOSKEY, Mr. DASCHLE, Mr. SCHULZE, Mr. SCHUEER, Mr. BEDELL, Mr. DORGAN of North Dakota, Mr. YOUNG of Missouri, Mr. SPRATT, Mr. GINGRICH, Mr. GRAY of Pennsylvania, Mr. SWINDALL, Mr. LEVINE of California, Mr. SHELBY, Mr. ATKINS, Mr. FASCELL, Mr. GREEN, Mr. HUBBARD, Mr. LUNDINE, and Mr. MAVROULES.

H.J. Res. 357: Mr. FISH.

H.J. Res. 421: Mr. PEPPER, Mr. DWYER of New Jersey, Mr. McEWEN, and Mr. TAUZIN.

H.J. Res. 424: Mr. BOSCO, Mr. DARDEN, Mr. RICHARDSON, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mr. CHAPPIE, Mr. GRADISON, Mr. KOLBE, Mr. KRAMER, Mr. LIVINGSTON, Mr. MCCAIN, Mr. MORRISON of Washington, Mr. PARRIS, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. SNYDER, Mr. STANGELAND, Mr. STUMP, Mr. VANDER JAGT, Ms. FIEDLER, Mr. SCHULZE, and Mr. ARCHER.

H.J. Res. 430: Mr. BONIOR of Michigan, Mr. WHITTAKER, Mr. OWENS, Mr. SCHUEER, Mr. TOWNS, Mr. DIOGUARDI, Mr. SMITH of Florida, Mr. HAYES, Mr. RAHALL, Mr. BLILEY, Mr. FROST, Mr. HENRY, Mr. HERTEL of Michigan, Mr. GINGRICH, Mr. BOUCHER, Mr. ASPIN, Mr. CHAPMAN, Mr. WOLF, Mr. HATCHER, Mr. FRANKLIN, Mr. BRYANT, Mr. LUNDINE, Mr. VOLKMER, Mr. FUQUA, Mr. STENHOLM, Mr. LIVINGSTON, Mr. MORRISON of Connecticut, Mr. GOODLING, Mr. McDADE, Mr. SCHAEFER, Mr. MONSON, Mr. SNYDER, Mr. COOPER, Mr. MADIGAN, Mr. GUNDERSON, Mr. YATRON, Mr. EVANS of Illinois, Mr. WEAVER, Mr. YOUNG of Missouri, and Mr. DE LA GARZA.

H.J. Res. 440: Mr. MURPHY, Mr. BOUCHER, Mr. HENRY, Mr. ACKERMAN, Mr. DIOGUARDI, Mr. GILMAN, Mr. GREEN, Mr. LUNDINE, Mr. SCHUEER, Mr. TOWNS, and Mr. LIVINGSTON.

H.J. Res. 450: Mr. MOLLOHAN, Mr. SWINDALL, Mr. ROSTENKOWSKI, Mr. GREEN, Mr. DYSON, Mr. WOLF, Mr. DICKS, Mr. JEFFORDS, Mr. SHUMWAY, Mr. COBEY, Mr. JONES of Tennessee, Mr. DASCHLE, Mr. LUNDINE, Mr. SMITH of New Hampshire, Mr. HAMMER-SCHMIDT, Mr. BEREUTER, Mr. COELHO, and Mr. BOUCHER.

H. Con. Res. 129: Mr. STENHOLM, Mr. WHITTAKER, Mr. YOUNG of Missouri, and Mr. DOWDY of Mississippi.

H. Con. Res. 211: Mr. DeWINE, Mr. MARTINEZ, Mr. LOWRY of Washington, Mr. CROCKETT, Mr. McCLOSKEY, Mr. MORRISON of Connecticut, Mr. GARCIA, Mr. SEIBERLING, Mr. LAGOMARSINO, Mr. DURBIN, Mr. CHANDLER, Mr. SYNAR, Mr. SMITH of Florida, Mr. FEIGHAN, Mr. UDALL, Mr. DIXON, and Mr. KOSTMAYER.

H. Con. Res. 219: Mrs. BENTLEY, Mr. BIAGGI, Mr. BLILEY, Mr. BURTON of Indiana, Mr. GINGRICH, Mr. HANSEN, Mr. HUNTER, Mr. LAGOMARSINO, Mr. LIVINGSTON, Mr. LUKE, Mr. MOORHEAD, Mr. PORTER, Mr. REID, Mr. SAXTON, Mr. SMITH of Florida, and Mr. WHITEHURST.

H. Con. Res. 227: Mr. RICHARDSON, Mr. MAVROULES, Mr. PEASE, Mr. MARTIN of New York, Mr. FAUNTROY, Mr. SKORSKI, Mr. MOODY, Mr. BEVILL, Mr. NEAL, Mr. GEJDE-SON, Mr. RANGEL, Mr. RUSSO, Mr. BUSTAMANTE, Mr. FOWLER, Mr. ENGLISH, Mr. DARDEN, Mr. LIPINSKI, and Mr. SMITH of Florida.

H. Con. Res. 228: Mr. BEREUTER.

H. Con. Res. 232: Mr. STUDDS and Mr. ZSCHAU.

H. Res. 180: Mr. DAUB, Mr. McCOLLUM, and Mr. EDWARDS of Oklahoma.

H. Res. 277: Mr. SWINDALL and Mr. BADHAM.

H. Res. 303: Mr. SHAW.